

The Civil Government's Authority about Religion
& the Church, *Circa Sacra*:

An Extended Introduction &
a Section from the English Presbyterians' *Divine Right*

Introduced by

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“This is my beloved Son,
in whom I am well pleased:

Hear ye Him.”

Mt. 17:5

The section of this work from the London Presbyterian ministers
has been very lightly edited from:

Jus Divinum, the Divine Right of Church Government... (1646, 1647, 1654; NY: Robert Martin & Co.,
1844), pt. 2, ch. 9, [section 1, ‘Of the Proper Receptacle & Distinct Subject of All this Power &
Authority of Church Government... That the Political Magistrate is Not the Proper Subject of
this Power’](#)

Compared with:

Jus Divinum Regiminis Ecclesiastici: the Divine Right of Church-Government... ed. David W. Hall
(Dallas, TX: Naphtali Press, 1995), 72-82.

All text in [brackets] and translations not otherwise sourced are those of Travis Fentiman.
Quotes of older works have been modernized in their spelling and punctuation.

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An Extended Introduction to *Circa Sacra*

Travis Fentiman¹

The Reformation and puritan era's doctrine regarding the civil government's authority *about* (not *in*) religious and Church matters has been classically summed up in the phrase: *circa sacra*. This foundational principle, all but lost today, they discerned to be embedded and woven throughout the Scriptures, deriving therefrom in accordance with the light of Nature for all ages and societies. The Latin phrase means that the civil government has, and should exercise, legitimate civil authority and power for good "around sacred things," or more accurately, "around the sacred aspects" of religion and the Church. The principle (though not the words) became codified into the original Westminster Confession of Faith (1646) in chapter 23, section 3.²

This position was distinguished in the reformers' and puritans' own day from: (1) those who taught that the civil government has authority and power *in* sacred matters (*in sacra*, which persons became labeled as Erastians³ in the debates surrounding Westminster in the 1640's), and (2) those who taught that the civil government does *not* have authority *around* sacred matters (such as the rising tide of Independent sects in

¹ Fentiman earned a Master of Divinity degree from Greenville Presbyterian Theological Seminary and is the webmaster of ReformedBooksOnline.com. For more resources on *circa sacra*, see the webpage, 'The Civil Magistrate's Authority Around Spiritual Things (Circa Sacra)' at ReformedBooksOnline.com. All links and webpages contained in this Introduction were accessed in June and July of 2021.

² "The civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven (2 Chron. 26:18 with Mt. 18:17 & 16:19; 1 Cor. 12:28-29; Eph. 4:11-12; 1 Cor. 4:1-2; Rom. 10:15; Heb. 5:4): yet he hath authority, and it is his duty, to take order, that unity and peace be preserved in the church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered, and observed (Isa. 49:23; Ps. 122:9; Ezra 7:23,25-28; Lev. 24:16; Dt. 13:5-6,12; 1 Kings 18:4; 1 Chron. 13:1-9; 2 Kings 23:1-26; 2 Chron. 34:33; 2 Chron. 15:12-13). For the better effecting whereof, he hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God (2 Chron. 19:8-11; chs. 29-30; Mt. 2:4-5)."

³ From [Thomas Erastus](#) (1524-1583) a Swiss, Protestant physician. The view was not new with, or even distinctive to him, but has had a long history in the Christian Church, particularly in being an alternative to the supremacy of the Pope in civil matters in the Middle Ages. The term "Erastian" is used in this Introduction for convenience; it is acknowledged that the historical scene was more complex than the simple label conveys. For reformed resources against Erastianism, see the webpage, 'Erastianism' at ReformedBooksOnline.com.

London in the 1640's, with previous precedents⁴). One place in Scripture where *circa sacra* comes to the forefront is in Ps. 2:10-12:

“Be wise now therefore, O ye kings:
be instructed, ye judges of the earth.
Serve the Lord with fear,
and rejoice with trembling.

Kiss the Son, lest He be angry,
and ye perish from the way,
when his wrath is kindled but a little.
Blessed are all they that put their trust in Him.”⁵

The section here introduced from the London presbyterian ministers' *Divine Right of Church Government*, from 1646 around the context of the Westminster Assembly, is the most readable, systematic and brief setting forth of the older view of *circa sacra* (with most of its numerous necessary distinctions) from the Scriptures, in English,⁶ that this author has come across. The doctrine of *circa sacra* was not novel to the Reformation and reformed orthodoxy, rather, the reformed received it as the catholic (universal, Christian) teaching from the best of the early Church (especially Augustine)⁷ and the Medieval

⁴ See the historical account by Thomas M'Crie the elder in Note E in the [Appendix](#) in Thomas Houston, *The Christian Magistrate: A Discourse. With an Appendix* (Belfast: Stuart & Gregg, 1832). The account is also found in Thomas M'Crie the elder, *Statement of the Difference Between the Profession of the Reformed Church of Scotland, as Adopted by Seceders...* (1807; Edinburgh: C.F. Lyon, 1871), [Section 1](#).

⁵ Anthony Walaeus: “It is the unanimous opinion of divines that the declaration of the royal prophet (Ps. 2) is applicable to kings under the New Testament; ‘now, therefore, kings, be wise,’ etc.; that is, yield obedience, and that not merely as other members of the church, but chiefly as kings and supreme judges.” ‘A Tract on the Office of the Ministers of the Church, & of the Inspection of the Magistrate Around [*circa*] it’, part 2, [p. 35](#) (rt. col. bot.) in *Omnium Operum, Tomus Secundus* (bound after tome 1) (Leiden, 1643), trans. Thomas Houston, [Christian Magistrate](#), footnote 90; John Owen: “Even judges and rulers, as such, must kiss the Son, and own his scepter, and advance his ways. Some think, if you were well settled, you ought not in any thing, as rulers of the nation, to put forth your power for the interest of Christ. The good Lord keep your hearts from that apprehension!” Sermon 9, ‘Christ’s Kingdom & the Magistrate’s Power’, [p. 374](#) in *The Works of John Owen*, ed. William H. Goold (NY: Robert Carter, 1851), vol. 8.

⁶ For the best concise treatment in Latin, see Willem Apollonius, *Jus Maiestatis Circa Sacra, sive Tractatus Theologicus, de Jure Magistratus Circa Sacra Res Ecclesiasticas...* (Middleburg, 1642), [ch. 1](#), ‘[A Description of the General Judgment of the Orthodox](#)’, [pp. 1-7](#).

⁷ Augustine, *A Treatise Concerning the Correction of the Donatists, or Epistle 185*, [chs. 5-7](#) in *Nicene & Post-Nicene Fathers, First Series*, vol. 4, *Augustin: The Writings Against the Manichaens, and Against the Donatists*, ed. Philip Schaff (1887; repr. Hendrickson Publishers, 1995), pp. 640-45.

Church.⁸ Many of the distinctions of *circa sacra* would become lost in the succeeding ages after the puritan era, even amongst the 1800's professors of the Free Church of Scotland who so valiantly sought to hold onto and defend the Establishment Principle.⁹ The differences between the classical doctrine of *circa sacra* and the Free Church of Scotland's Establishment Principle will be delineated and evaluated towards the end of this Introduction.

In uncovering and expounding the doctrine of *circa sacra* of reformed orthodoxy,¹⁰ this extended Introduction will serve as a gateway into the older literature as the main

⁸ Rutherford gives numerous early Church and Medieval references in numerous of his sections cited in this Introduction, as do other referenced authors. See particularly on both the Early and Medieval Church, the first part (170 pp.) of James Gibson, *The Church in Relation to the State* (1833; Edinburgh: Johnstone, Hunter & Co., 1872). Gibson was a professor in the Free Church of Scotland.

⁹ Such as William Cunningham, James Bannerman, James Buchanan, George Smeaton, Robert S. Candlish, Charles Brown, etc. The Establishment Principle is, concisely, that the civil government is to civilly establish the true religion in the land by protecting, professing and promoting it. It is true that these writers in general used and affirmed the term *circa sacra*, and it is true that the Reformation and puritan eras, as well as the London ministers below, spoke of the civil government civilly establishing the true religion in the land. However, as *circa sacra* was the more common term for the older reformed view, and the Establishment Principle was the preferred term of the later Free Church theologians, so these terms may legitimately be used to embody and differentiate the two views, the latter being a reduction of the former. Likewise, in the 1500's and 1600's the term "national Church" was much more common than the term "established Church" (which latter phrase had a high frequency amongst separatists and dissenters in that era). The "established Church" became a term that rose in popularity in the 1700's and 1800's. One apparent reason for this is that with the increasing trend in the 1700's and 1800's to civilly allow other churches (denominations) in the land besides the established Church, the established Church progressively lost its character as the Church of the nation. The doctrines of *circa sacra* much better fit the model of a national Church than they do that of the later "established Church".

¹⁰ This historical-theological characterization and other similar ones are being used generally with reference to the dominant and best current of reformed orthodoxy in that era. It is acknowledged, as might be expected, that across the Protestant European nations there was some variety of emphasis and qualifications (or lack thereof) by theologians in the details, which would be more appropriate to delve into in a dissertation. The mainline Anglican doctors tended to be fully Erastian. Ulrich Zwingli, Peter Martyr Vermigli, Henry Bullinger, Rudolph Gwalther, David Pareus, Johannes Maccovius, Nicolaus Vedel, Johannes Althusius, Francis Burman and Lewis Du Moulin all had, to differing degrees, certain Erastian aspects to their teachings, involving more government control of the Church than what ought to be. The more moderate Independent puritans, such as William Ames, Thomas Goodwin, Philip Nye, Jeremiah Burroughs and William Bridge, as well as the New England puritans, on the one hand had certain Erastian aspects in their conception of the doctrine, and on the other hand tended to be looser on what a Christian civil government ought to uphold in the land (namely only the fundamentals of Christianity). This is not to say however, that this breadth of views determine the extent of what is acceptable in reformed orthodoxy: Many of the reformed orthodox confessions, including Westminster, disallow of Erastianism and the toleration of sectarianism; three books were written against Vedel on the subject, by Jacob Revius, Jacob Trigland and Willem Apollonius respectively. The latter's work, perhaps the most renowned on the topic in that era, was authorized "by the authority and command" of Apollonius's Dutch classis

pillars of the natural and Biblical view of Church-State relations, a topic so veiled in perplexity today, are clearly set forth in detail.

I. The Relationship Between Church & State

Church and State in (1) their source of authority, (2) the authority or power itself and (3) in their particular designs, are independent and coordinate, able to work harmoniously alongside each other for the mutual benefit of all. Hence, Aaron and Moses in their mission from God stood next to each other (Ex. 4:14-16), as did Zerubbabel the governor and Joshua the priest (Hag. 1:14).¹¹ In these respects one power is not above or under the other.¹²

(1) The sources of Church and State authority, though, differ. While the authority of the State ultimately derives in root from God the Creator, yet this is as it derives mediately from the community of the people, from nature. That is, as people have a certain natural power from nature, and combine it through mutual consent in commonwealths, and delegate it unto public officers, so this combined natural power is from God (insomuch as nature, and all its power, derives from God who created

(presbytery). Maccovius, likewise, was “opposed by the universities and divines of Holland”. Samuel Rutherford, *The Divine Right of Church Government...* (London: John Field, 1646), [ch. 23](#), p. 503.

¹¹ Thomas Hall: “Then church and state are like[ly] to flourish when Moses and Aaron, Zerubbabel and Joshua (Zech 4:14) go hand in hand together. When the minister reproves sin and the magistrate punishes it, when the magistrate makes use of the minister’s direction and the minister enjoys the magistrate’s protection, when Joshua joins with Eleazar and David consults with Nathan and Gad, the prophets of the Lord, and Josiah with Huldah and Uzziah with Zechariah the priest, then, and never till then, can we look to prosper (2 Chron 26:5). It is Aaron’s office to speak, but it is Moses’s rod that works the wonders. Ministers must preach and magistrates must punish offenders.” *The Beauty of Magistracy in an Exposition of the 82nd Psalm, where is set forth the Necessity, Utility, Dignity, Duty & Mortality of Magistrates...* (London: R.W. for Nevil Simmons, 1660), verse 1, use 2, [observation 7](#), pp. 82-83. David Calderwood, *The Pastor & the Prelate...* (1628; Philadelphia: S. Agnew, 1844), 6th Part, [pp. 104-05](#).

¹² See this proved in some detail by the London ministers, *Jus Divinum, the Divine Right of Church Government...* (NY: Robert Martin & Co., 1844), pt. 2, ch. 9, [section 2](#).

nature).¹³ While civil authority is from nature below, the Church, on the other hand, receives her power from Christ the Mediator in Heaven (Eph. 4:10-12).¹⁴

(2 & 3) The authority of the State is a natural, physical power of coercion regarding the outward man, only to be exercised in concurrence with the natural, moral and positive laws of God (revealed by nature, and as Scripture light is promulgated), unto the glory of the Righteous Creator¹⁵ and the good of man. The authority of the Church is a spiritual power, coercive in its own way in concurrence with the Word of God, unto the rescue and redemption of sinners, and their upbuilding in the Faith, through doctrine, order, discipline and sending.¹⁶ As the power and designs of the Church and State are complementary,¹⁷ so there is no inherent antagonism between them, and they ought to reciprocally serve together for the benefit of the people and each other.

The Mutual Subordination of Church & State in their Objects

As the State is a natural and civil corporation designed for the benefit of the outward welfare of man in this life, and the Church is a spiritual corporation for the advancement of spiritual ends (these two things being in harmony with each other), so the two may: (1) exist completely without each other, (2) overlap in their objects or members, (3) or overlap completely. When the two overlap in their objects, upon which their power is exercised, those members or objects are subordinate to both powers

¹³ See Samuel Rutherford, [Question II, 'Whether or Not Government be Warranted by the Law of Nature'](#) in *Lex, Rex, or the Law and the Prince...* (Edinburgh: Robert Ogle & Oliver & Boyd, 1843), pp. 1-3, especially the last paragraph. See also [Questions 1-8](#) generally. The London ministers describe this similarly, though a bit less accurately, stating that, "These powers are both immediate..." *Divine Right*, pt. 2, ch. 9, [section 2](#).

¹⁴ George Gillespie, *Aaron's Rod Blossoming; or, the Divine Ordinance of Church Government Vindicated...* (1646; Edinburgh: Robert Ogle & Oliver & Boyd, 1844), bk. 2, ch. 4, [p. 86](#) (lt. col. bot.); Samuel Bolton, *The Arraignment of Error...* (London: G. Miller, 1646), pp. 315-16.

¹⁵ How this authority of office, in its original and official end, may and ought to be directed in its administration by the Christian magistrate also to the glory of Christ and the good of his Mediatorial Kingdom, the Church, will be explained below.

¹⁶ Gillespie, *Aaron's Rod*, bk. 2, ch. 4, [p. 86](#) (rt. col.); Rutherford, *Lex, Rex*, [question 42, 'Whether All Christian Kings are Dependent from Christ, and may be Called his Vice-Regents?'](#), pp. 210-16.

¹⁷ Robert Mcward: "Though these powers be coordinate, yet they are not properly collateral or coequal, because they are neither of the same nature, extent nor external eminency, neither are they derived formally from the same fountain, the one being from God as Creator and Governor of the world, the other from Jesus Christ as Mediator and sole Supreme Head of his Church." *The Banders Disbanded...* (Edinburgh, 1681), p. 44.

respectively in their own way.¹⁸ Samuel Rutherford taught this as well as “all our divines”:

“Reciprocation of Subordinations between Church and Magistrate

10th Assertion. Hence I am not afraid to assert a reciprocation of subordinations between the Church and the magistrate, and a sort of collaterality and independent supremacy in their own kind common to both, for every soul, pastors and others, are subject to the magistrate as the higher power, in all civil things, Rom. 13:1-4; Tit. 3:1; 1 Pet. 2:13-14; Mt. 22:21; and all members of the commonwealth [in a Christian nation], being members of the Church in soul-matters, are subject to the Church and pastors in their authoritative dispensing of Word, sacraments and Church censures: Nor are any magistrates, or others who have souls, excepted, Heb. 13:17; Mat. 16:19; Mt. 18:18; Jn. 20:21; Acts 15:20-23; Mt. 10:40-42.

So Protestant writers who have written on this subject teach: As the learned Walaeus (*De Quatenus Pastor Subjiciatur Magist.*, pp. 15-16), judicious Trigland (*Dissertatio Theologica de Civili & Ecclesiastica Potestate*, ch. 5, p. 124), that most learned divine, Andrew Rivet, the grave and learned professors of Leiden (*Synopsis Purioris Theologiae, Disputationes de Disciplina Ecclesiastica & de Magistratu*), Zepperus (*De Politica Ecclesiastica*, bk. 3, ch. 13), Calvin (*Institutes*, bk. 4, ch. 11), Peter Cabel Javius (*Apologetico Rescript pro Libert. Ecelesi.*, ch. 6, p. 79), reverend and pious Mr. John Cotton (*A Model of Church & Civil Power*), judicious Peter Martyr (*Common Places*, bk. 4, ch. 13), David Pareus (*Prefatio ad Hoseam; Epist. ad langravi.*), [and] all the Protestant confessions: the Augsburg Confession (*Article, ‘Of the Power Ecclesiastical’*), distinctly of Helvetia ([2nd Helvetic Confession] *Article 18*), the confession of Sweden (*Suevica Confess.*, *Article 13*), the Saxon (*Article 12*). The English [Westminster] Confession [*ch. 23 & 25*] and that of Scotland [*ch. 16 & 24*], [and] all our divines...”¹⁹

¹⁸ Rutherford: “There is subordination of the power, and a subordination of the person endued with the power, here to be considered.” *The Divine Right of Church Government...* (London: John Field for Christopher Meredith, 1646), ch. 24, question 20, ‘Of the Reprocation of the Subordination of the Civil & Ecclesiastical Powers to Each, & their Supremacy & Independency each from Other’, p. 537.

¹⁹ Rutherford, *Divine Right*, ch. 24, q. 20, pp. 560-61. “...hence it is clear that both the kingly power is subordinate to Church-power, and that the subordination is mutual, that also the Church-power is

II. The State's Authority for Good Over the Material Church in Civil Matters

The Principle

While the spiritual power of the Church itself is not formally subordinate to the natural, civil power,²⁰ yet insofar as the people and government²¹ of the Church exist materially in the natural, outward world, and thus concern civil society (for good or ill), so they are to that extent under the obligations of natural and moral law in relation to

subordinate to the kingly power, and that both also in their kind are supreme; the kingly power is the highest and most supreme, and under no higher coactive power... and the Church-power is the highest in the kind of Ecclesiastical power. John Major [a Romanist] says well (bk. 4, sent. dist. 24, q. 3) that they are not subordinate, that is, not one of them is above another; that I grant, but that which he and Spalato [a Romanist] says, *neutri in alteram est imperium*, that neither of the two has a commandment over another, that we deny..." *The Due Right of Presbyteries*... (London: E. Griffin, for Richard Whittaker, 1644), pt. 2, ch. 6, section 5, [Appendix](#), p. 400; "9. The civil power is above the Church-men as they are Church-men, and members of a Christian commonwealth; and the Church power is above the magistrate as he is a member of the Church and to be edified to salvation, or censured for scandals... and therefore there is both a mutual subordination betwixt the honors, and also because both are highest and most supreme in their kind, they are also coordinate and two parallel supreme powers on earth: as the Church has no politic power at all, so has the Church no politic power above the king, but he is the only supreme power on earth immediate under God; so the king has no power formally and intrinsically ecclesiastical over either the Church, or any member of the Church, but the Church's power is supreme under Christ the King and Head of the Church." *Ibid.*, 406-7. Gillespie: "...so the subjection of pastors and elders to the magistrate, in all civil things (as other members of the commonwealth are subject), may well consist with the co-ordination of the ecclesiastical power with the civil." *Aaron's Rod*, [p. 119](#) (rt. col. mid.); "...least of all others can our Independent brethren charge the presbyterians with the setting up of an ecclesiastical government co-ordinate with, and not subordinate unto the civil government... 3. Collateral powers do mutually and alike exercise authority over each other respectively. But, though the magistrate may exercise much authority in things ecclesiastical, Church officers can exercise no authority in things civil. The magistrate's authority is ecclesiastical *objective* [objectively], though not *formaliter* [formally]: but the Church-officers' authority is not civil so much as *objective* [objectively], not being exercised about either civil, criminal or capital cases." *Ibid.*, [p. 120](#). See especially Johann H. Hottinger, *Cursus Theologicus; Methodo Altingiana*... (Heidelberg, 1660), Locus 15, [Canon A](#), [p. 380](#).

²⁰ Rutherford: "...so the king has no power formally and intrinsically ecclesiastical over either the Church, or any member of the Church, but the Church's power is supreme under Christ the King and head of the Church." *Due Right*, pt. 2, [Appendix](#), p. 407.

²¹ Rutherford: "The civil power is above the Church-men as they are Church-men, and members of a Christian Common-wealth..." *Due Right*, pt. 2, [Appendix](#), p. 406; "...and that the subordination is mutual, that also the Church-power is subordinate to the kingly power, and that both also in their kind are supreme;" *Ibid.*, p. 400; "Some object: 1. Are not all powers on earth subject to the magistrate? Ministers of the Gospel not excepted...? [Rutherford's] Answer: All power deviating offensively, and to the disturbance of societies in morals, is subject to the civil power and the sword..." *Divine Right*, [ch. 25](#), p. 561.

civil society, and are therefore under the power of the State in that respect.²² The London ministers below teach rightly that the magistrate has a power:

“Objective or objectively ecclesiastical, as being exercised about objects ecclesiastical, but politically, not ecclesiastically. His proper power is about [*circa*], not in religious matters [*in sacra*]. He may politically, outwardly exercise his power about objects or matters spiritual, but he may not spiritually, inwardly, formally act any power in the Church... in a word, his whole power about church offices and religion is merely, properly and formally civil or political.”

The Naphtali edition of *Divine Right*, as well as other reformed theologians of the era,

²² Johann H. Heidegger: “For he is ‘the minister of God’ by his command in civil matters, as to each of the citizens, so also to the Church, and in a certain measure even in its external order it has been subjected ‘unto the good’ (Rom. 13:4).” *Medulla Medullae Theologiae Christianae...* (Zurich, 1697), locus 27, section 24, p. 254. Note the significant qualification of the Scottish 2nd Book of Discipline (1578), [ch. 1](#) (emphasis added), “8. It is proper to kings, princes, and magistrates to be called lords and dominators over their subjects, whom they govern civilly, but it is proper to Christ only to be called Lord and Master *in the spiritual government of the kirk*,” It was common for reformed orthodox manuals of dogmatics to include under the common place, ‘On the Government of the Church’, a section devoted to discussing the magistrate’s governing of the Church: Jerome Zanchi, *De Religione Christiana Fides...* (Newstadt, 1588; 1601), ch. 25, ‘Of the Government of the Church Militant & the Ecclesiastical Ministry’, [section XXI, p. 261](#); Wilhelm Zepper, *De Politia Ecclesiastica...* (Herborn, 1595), bk. 3, ch. 1, ‘Of Ecclesiastical Government...’, [ch. 12](#); Daniel Tilen, *Syntagmatis Disputationum Theologicarum...* (Sedan, 1611), vol. 2, [Disputation XXXII, ‘Of the Political Government of the Church’, pp. 324-35](#); Amandus Polanus, *Partitiones Theologicae...* (Geneva, 1623), 56. ‘Of the Public Governing of the Church’, [pp. 222-23 & 245-49](#); *Syntagma Theologiae Christianae...* (1609), vol. 2, bk. 7, chs. 10-20, ‘Of the Government of the Church’, [ch. 19, ‘Of the Political Government of the Church’, cols. 3,513-3,522](#); Henry Altling, *Methodus Theologiae Didacticae...* (Amsterdam, 1662), [Locus XV, ‘Of the Government of the Church’, pp. 89-98](#); *Theologia Elenctica Nova...* (Amsterdam, 1654), [Locus XV, ‘Of the Government of the Church: Ecclesiastical & Civil’, pp. 641-712](#); *Theologia Problematica Nova...* (Amsterdam, 1662), [Locus XV, ‘Of the Government of the Visible Church: Ecclesiastical & Civil’, pp. 673-98](#); Johannes Wolleb, *The Abridgment of Christian Divinitie...* (London: T. Mabb for Joseph Nevill, 1660), ch. XXVI, ‘Of the Outward Administration of the Church’, [pp. 226-30](#); Hottinger, *Cursus Theologicus*, [Locus XV, ‘On the Government of the Church: Ecclesiastical & Civil’, pp. 379-408](#); Peter van Mastricht, *Theoretico-Practica Theologia...* 2nd ed. (1698; Utrecht, 1724), vol. 2, bk. 7, ch. 7, ‘Of the Government of the Church’, Dogmatic Part, [section X, ‘The External & Civil Power Governing Around the Church by the Magistrate’, pp. 958-59](#); Elenctic Part, [sections XIV-XV, pp. 960-61](#); Practical Part, [sections XIX-XX, p. 962](#); Johann H. Heidegger, *The Concise Marrow of Theology* trans. Casey Carmichael (Grand Rapids: Reformation Heritage Books, 2019), [Locus XXVII, ‘On the Government of the Church’, sections XXIII-XXIV; Corpus Theologiae Christianae...](#) (Tigur, 1700), vol. 2, ch. 27, ‘Of the Government of the Christian Church’, [sections 113-144, pp. 616-36](#); Johannes Marck, *Compendium Theologiae Christianae...* (Amsterdam, 1722), ch. 33, ‘Of the Varied Government of the Church’, sections 1 & 28-35, [pp. 655, 683-91](#); Bernardinus de Moor, *Commentarius Perpetuus...* (Leiden, 1771), vol. 6, ch. 33, ‘Of the Varied Government of the Church’, [sections 28-35, pp. 470-518](#); Heinrich Heppe, *Reformed Dogmatics* (1950; Wipf & Stock, 2007), ch. XXVIII, ‘The Church’, sections 53-57.

qualify this objective-ecclesiastical power as “external” and “indirect”, that is, it does not work spiritual, ecclesiastical power itself, but rather is capable of acting upon the same ecclesiastical objects, externally and indirectly in a civil way, according to their political relation. This power does not subordinate the spiritual power of Church courts to civil courts, as the power of the respective courts are of wholly different kinds.

This teaching was not peculiar to English Presbyterianism. The Scottish Alexander Henderson preached similarly to the civil, English House of Commons in the same year as the taking of the Solemn League & Covenant (1643), amidst the context of the Westminster Assembly:

“Civil powers have great authority, not only in things civil, but in matters of religion; and they sin against God if they use not the authority which God has put in their hands for the good of religion. To them belongs inspection and watching over, not only *ecclesiasticos* [of ecclesiastical persons], but *ecclesiastica* [of that which is ecclesiastical]. Ecclesiastical persons are subject to civil authority no less than others; and in respect of things-ecclesiastical, or matters of religion. Eusebius brings in Constantine the great, saying: ‘*Vos Episcopi in Ecclesia, ego extra Ecclesiam seu templum Episcopus a Deo constitutus sum*’ [Ye are overseers in the Church; I am constituted of God an overseer outside of the Church or temple]:

...this watching and inspection of princes and magistrates, is *objective ecclesiastica* [of ecclesiastical-things objectively], but *formaliter civilis* [formally civil], it is about matters of religion in a civil manner, and in a way suitable to the nature and quality of their place and power.”²³

Samuel Rutherford distinguished the same truths in a foundational work for classical presbyterianism, referencing a major German reformed theologian:

“1. [David] Paraeus teaches that there is a double Church-power, one internal and proper, as to preach, bind and loose, to administrate the sacraments, etc. (*Commentarius in Romanos*, ch. 13, [dubium 5](#) [rt. col.

²³ Alexander Henderson, *A Sermon Preached To the Honorable House of Commons, at Their late Solemn Fast, Wed., Dec. 27, 1643* (London, 1644), [p. 20](#).

bot.]...): this is not in the prince; and there is another improper and external, which is exercised about Church-matters and Church-officers...

2. An external power about matters-ecclesiastic is three-fold: ...2. A power-external about Church-matters, which is objective, in respect of the object, sacred or ecclesiastic, but improperly, and by a figure only [is it] ecclesiastic, and essentially and in itself [it is] politic, such as we hold to be the magistrate's power in causing Church-men [to] do their duty in preaching sound doctrine, and administrating the sacraments, according to Christ's institution, and punishing heretics and false teachers."²⁴

The substance of this distinction between that which is formally spiritual or ecclesiastical, and that which is objectively ecclesiastical (and formally civil) was explicitly²⁵ taught by

²⁴ Rutherford, *Due Right*, pt. 2, [Appendix](#), p. 387; "...these two powers differ in the objects, [there is] no question [about this]; I mean in the formal objects, not in the material; for the magistrate as a magistrate is a nurse-father and keeper and avenger of both Tables of the Law, and has a coactive power about hearing the Word, administration of the sacraments, idolatry, blasphemy and the right serving of God in Jesus Christ, and these things are not *res terrena*, 'earthly things', or things of this life, but spiritual things. Yea the affairs of Jehovah and the king's matters (2 Chron. 19:11), says Ames (*De Conscientia*, bk. 5, ch. 25 ['Of the Mutual Obligation Between the Magistrate & Subject', [section 8](#)]), 'are not so different,' *non ita disparata sunt*, as that the care and knowledge of the things of God, belongs not to the king, *sed ita distinguuntur, ut in modo procurandi, rex politice suas partes agat, et sacerdos ecclesiastice suas* [but that they are distinguished; so in the way of procuring, the political king works his parts and the ecclesiastical priests theirs]; the objects of the magistrate's power and of the Church's power may be materially, and are, one and the same, but the king works in a coactive and kingly way and the Church in an ecclesiastic and spiritual way." *Due Right*, pt. 2, [Appendix](#), p. 396.

²⁵ All the major reformers taught that the care of religion and God's worship belongs to the magistrate, he being a keeper of both Tables of the Ten Commandments. This teaching implicitly and necessarily upholds the distinction, though the exact words may not have been used. In that respect Thomas Edwards (below) attributes the teaching to Henry Bullinger, John Calvin and Theodore Beza (Swiss reformers), Peter Martyr Vermigli and Jerome Zanchi (Italian reformed theologians), Wolfgang Musculus (a German reformed theologian), Thomas Bilson (an Anglican bishop) and Thomas Cartwright (an English presbyterian).

Thomas Edwards,²⁶ Samuel Clark,²⁷ and John Humfrey²⁸ (English Presbyterian ministers), John Arrowsmith²⁹ and John Corbet³⁰ (English puritan clergymen), William Bucanus (a Swiss-French professor),³¹ David Calderwood,³² George Gillespie,³³ George

²⁶ “Besides the full concurrent testimony and judgment of the most learned Protestant divines, Calvin, Philip Melancthon [Lutheran], Beza, Peter Martyr, Zanchius, Bullinger, Musculus, Chemnitius [Lutheran], Gerardus [Lutheran], Bucanus, Bilson, Cartwright, *Professores Leydenses* [Polyander, Rivet, Walaeus, Thysius], Voetius, Triglandus, that the care of religion and God’s worship belongs to the magistrate, that God has given him a power and authority objective and external in ecclesiastical causes to look to religion as to civil justice, so as he is bound to see the true religion and service of God set up and maintained in his dominions, being thereupon generally by all divines called *Custos et Curator utriusque Tabulae* [Custodian and Keeper of Both Tables].” *The Casting Down of the Last & Strongest Hold of Satan. Or, A Treatise Against Toleration & Pretended Liberty of Conscience...* (London, 1647), ch. 1, [15th Thesis](#), p. 34; most of the references to the works of the theologians cited are given in the [15th thesis](#).

²⁷ Samuel Clarke (1599-1682), *Golden Apples. Or Seaonable & Serious Counsel from the Sanctuary to the Rulers of the Earth...* (London, 1659), p. 180; Clarke gives the same list of references as that in Edwards.

²⁸ John Humfrey & Stephen Lobb, *An Answer to Dr. Stillingfleet's Sermon, by Some Nonconformists...* (London, 1680), p. 31; Humfrey, *An Answer to Dr. Stillingfleet's Book of The Unreasonableness of Separation...* ([London] 1682), p. 17.

²⁹ *Tactica Sacra... Dissertatio...* (Amsterdam, 1700), bk. 2, ch. 2, section 12, [p. 113](#) (bot.).

³⁰ *The Kingdom of God among Men a Tract of the Sound State of Religion...* (London, 1679), [ch. 28](#), p. 188; *The Remains of the Reverend and Learned Mr. John Corbet...* (London: Thomas Parkhurst, 1684), ‘Of the Church’, [section 3](#), p. 5 & ‘Of the Ministry’, [section 25](#), p. 74; Corbet has some Erastian aspects to his teaching.

³¹ As referenced by Edwards above.

³² Calderwood, complaining about the Anglican establishment, said (affirming the former part and denying the latter part): “It must follow therefore that the prince’s power is ecclesiastical, not only in respect of the object and matter whereupon it works, as heresies, errors, abuses, etc. but also formally in respect of the manner, to wit, by inflicting ecclesiastical censures and punishments...” *The Altar of Damascus, or the Patern of the English Hierarchie, and Church Policie Obtruded upon the Church of Scotland* ([Amsterdam: Giles Thorpe,] 1621), [ch. 1](#), p. 16.

³³ “45. The second difference [between civil and church power] is in the object, or matter about which: The power politic or civil is occupied about the outward man and civil or earthly things, about war, peace, conservation of justice and good order in the commonwealth; also about the outward business or external things of the Church, which are indeed necessary to the Church, or profitable, as touching the outward man, yet not properly and purely spiritual, for they do not reach unto the soul, but only to the external state and condition of the ministers and members of the Church.” George Gillespie, *CXI Propositions Concerning the Ministrie & Government of the Church* (Edinburgh: Evan Tyler, 1647), [#45](#); “...least of all others can our Independent brethren charge the Presbyterians with the setting up of an ecclesiastical government co-ordinate with, and not subordinate unto, the civil government:.. As for that collaterality which is objected, I answer: The civil and ecclesiastical power, if we speak properly, are not collateral... and where the same persons are subject to both the powers, there is no more collaterality, in this case, nay, not so much as is betwixt the power of a father in one man, and the power of a master in another man, when both powers are exercised upon the same man who is both a son and a servant... though the magistrate may exercise much authority in things ecclesiastical, church officers can exercise no authority in things civil. The magistrate’s authority is ecclesiastical *objective*, though not *formaliter*: but the church officer’s authority is not civil so much as *objective*, not being exercised civil, criminal or capital cases.” *Aaron’s Rod*, bk. 2, ch. 8, [p. 120](#), see also [pp. 121 \(rt. col. bot.\) – 122 \(lt. col. top\)](#).

Hutchison,³⁴ Robert McWard,³⁵ John Brown of Wamphray,³⁶ James Clark,³⁷ Alexander Shields³⁸ and Robert Fleming³⁹ (all Scottish presbyterian ministers), James Stewart⁴⁰ (a

³⁴ In the year 1673, as recorded in Robert Wodrow, *The History of the Sufferings of the Church of Scotland...* (Glasgow: Blackie, 1828-1830), vol. 2, pp. 216 (rt. col. bot.) & 220, fn. (lt. col. bot.): "...but for the magistrate's power objectively ecclesiastical, whereby they might judge of matters of religion, in order to their own act, whether they would approve or not of any such a way, he knew no reformed divine that denied it to them..."

³⁵ "As there is no action how civil or secular soever (providing it be done by a Church-member) but as it relates to observance toward God, it comes under the cognizance of the ecclesiastic jurisdiction, so there is no cause, action or thing so sacred or ecclesiastic, but as it respects the external peace of human society, belongs to the civil jurisdiction: the same individual action then (though in diverse respects) may fall under the cognizance both of the ecclesiastic and civil court." *The Banders Disbanded...* (Edinburgh, 1681), p. 44.

³⁶ "Objection: 'Will you allow his Majesty no power in Church matters?' Answer: Yes, even all that power which the first confession of the Church of Scotland does allow... also all that which the later confession concluded by the Assembly of divines at Westminster does allow: As also as much as sound reformed divines grant unto him, according to the Word of God: He has power over the $\tau\alpha\ \epsilon\zeta\omega$, 'things extrinsical', that properly belong unto the outward man and are common to the Church with other societies. He is *Custos utriusque tabulae*, in a civil manner, and must have a care of both the Tables of the Law. It were tedious here to set down all the particulars: See Gillespie in his *Aaron's Rod*, bk. 2, ch. 3 and the 111 Propositions, which are full enough to this purpose." *An Apologetical Relation, or the Particular Sufferings of the Faithfull Ministers of the Church of Scotland...* (1665), section 14, p. 260; *The History of the Indulgence...* ([Edinburgh] 1678), pp. 43, 48, 64, etc.;

³⁷ "23. Yet as to... what concerns the external policy of the Church, they [Scottish presbyterians] ascribe much to the magistrate's power and authority, as being by God's ordinance concerned to defend the Church... But whatever objective power the magistrate has *circa sacra*, it is not privative but cumulative, *ad majus bonum Ecclesiae* [unto the great good of the Church]. *Genevan Confession*; 2nd Book of Discipline, pp. 72, 73, 84 [chs. 1 & 10]; King James [authorized, Scottish] Confession [of Faith] Article 25; [Westminster] Assembly's Confession, ch. 23." *Presbyterial Government Described, or, a Methodical Synopsis of it, as it is Professed and Practized in the Church of Scotland, Gathered out of the Confessions of Faith, and other Publick Records of that Church...* (Edinburgh, 1695), no page number.

³⁸ *A Hind Let Loose, or, An Historical Representation of the Testimonies of the Church of Scotland for the Interest of Christ...* ([Edinburgh] 1687), pt. 3, head 2, p. 281.

³⁹ Robert Fleming (1630-1694), *The Church Wounded & Rent by a Spirit of Division held forth in a Short Account of Some Sad Differences hath been of Late in the Church of Scotland...* (1681), section 4, p. 38.

⁴⁰ "Is it not enough that he [the magistrate] have a power objectively ecclesiastical, about Church affairs, but he must also have a power formally ecclesiastical..." *Naphtali, or, The Wrestlings of the Church of Scotland for the Kingdom of Christ...* ([Edinburgh] 1667), Reader, no page number.

Scottish lawyer and Lord Advocate), Claudius Gilbert⁴¹ and Ezekiel Hopkins⁴² (both Irish, the former a minister and the latter a bishop), Johann H. Heidegger⁴³ and Francis Turretin⁴⁴ (Swiss reformed professors), Willem Apollonius, a Dutch reformed minister, writing on behalf of his classis (presbytery) and quoting Francis Junius⁴⁵ (a French born,

⁴¹ "The magistrate... his power is not spiritual, but civil, though sometimes employed about spiritual things. 2. Our magistrates are truly called civil, because the means and manner of executing their office, their laws and arms, their proceedings and courses, their rewards and punishments, are all civil only, and not spiritual or ecclesiastical. Though their object is sometimes spiritual, as in things of the First Table. So that it's their duty to reduce all to Gods honor, and therefore to maintain and observe his will revealed, being *Custodes utriusque tabulae, uti & Vindices*; 'Keepers and Defenders of both Tables', to regulate the external man accordingly. They act politically about ecclesiastical things..." Claudius Gilbert the elder, *The Libertine School'd, or a Vindication of the Magistrate's Power in Religious Matters...* (London: Francis Tyton, 1657), p. 6.

⁴² *An Exposition on the Ten Commandments with other Sermons...* (London, 1691), [The Fifth Commandment](#), p. 264; Hopkins was in the Church of England and was an Erastian.

⁴³ Heidegger, *Corpus Theologiae Christianae*, vol. 2, ch. 27, [section 131](#), p. 626 (rt. col. mid.); *The Marrow of Christian Theology: an Introductory Epitome of the Body of Theology* (Zurich, 1713), ch. 27, section 50, p. 354.

⁴⁴ "IV. First proposition. A multiple right concerning sacred things belongs to the magistrate... XV. Ecclesiastical power is either internal, direct and formal, occupied with the administration and exercise of sacred things (such as the preaching of the word, the administration of the sacraments and the dispensation of the keys); or external [literally, extrinsic], indirect and only objective (such as is concerned with sacred things, as to procurement and disposition, that all things be done decently and in order in the house of God). The first belongs to pastors alone... the latter belongs to Christian magistrates and princes, inasmuch as they ought to be the guardians of both tables; as in a well-regulated family the father disposes and arranges all things, the execution and performance of which belongs to the domestics... XVIII. Political power is occupied with a thing either directly and immediately, or indirectly, mediately and consequently. In the former way, it is concerned absolutely with the external man and the things pertaining to life (τα βιωτικά) without any discrimination of faith or unbelief and with all civil matters. In the latter, it is concerned with sacred and spiritual things, not with respect to the relation of spiritual and ecclesiastical as such (which is not the immediate object of political power as such), but with respect to the external adjunct, either of place or time or persons or other circumstances (which by themselves are the object of political power)." *Institutes of Elenctic Theology*, ed. James Dennison, Jr. (Phillipsburg, NJ: Presbyterian & Reformed Publishing, 1997), vol. 3, 18th Topic, question XXXIV, 'What is the Right of the Christian Magistrate about Sacred Things...', pp. 316, 320-21.

⁴⁵ "The first appendages [to those things of the interior sanctification of the soul] are external and sacred rites, or ceremonies of decorum and order of divine worship. The sacred rites or ceremonies, I say--even as Junius rightly puts it in, *Of the Polity of Moses*, ch. 7, 'In his political right are things-commanded and solemn rites; ceremonies proper, however, are not unless they are termed sacred observations in the divine worship;---are ordinances of order and decorum on account of good order: they are not called ceremonies properly, or sacred rites, for laws of good order are common to civil and sacred things... The power which is worked about these ecclesiastical things and persons is a power ecclesiastical, either objectively, only on account of the object, because it is exercised in sacred things, or formally, on account of the mode [which is denied to the magistrate], according to that which is worked about the sacred things, because, of course, it is done around the sacred things in an ecclesiastical way... The power objective-ecclesiastical is an authority to procure by political means and a coercive power for the common good of all, it pertaining to those things or persons committed to his jurisdiction, 1 Tim. 2:2; Rom. 13:1-3. There is

Dutch and German minister), Andrew Rivet⁴⁶ (a French reformed minister and Dutch professor), Johannes Polyander,⁴⁷ Anthony Walaeus,⁴⁸ Anthony Thysius,⁴⁹ Jacob Trigland,⁵⁰ Jacob Revius,⁵¹ Gisbert Voet,⁵² Peter van Mastricht⁵³ and Johannes Braun⁵⁴ (Dutch reformed professors), Matthias Nethenus⁵⁵ and Francis Spanheim, Jr. (German and Dutch professors),⁵⁶ Samuel Maresius⁵⁷ (a French professor), Thomas Brewer⁵⁸ and Stephen Lobb⁵⁹ (English Independent ministers), and Thomas Cobbet (a New England Congregationalist puritan, who dedicated his work to Oliver Cromwell).⁶⁰

To equivocate upon this matter, that the magistrate has power *circa sacra*, around spiritual matters, or around spiritual and ecclesiastical objects, and yet has no power in such ecclesiastical objects regarding their civil and politic relations, is a significant error.

no thing, person or cause, even ecclesiastical, but that in some way it pertains to this power, objectively ecclesiastical, which works politically around it." *Jus Maiestatis*, pp. 2-4.

⁴⁶ Andrew Rivet, *Praelectiones in Cap. XX. Exodi...* (Leiden, 1632), p. 261 (lt. col. top).

⁴⁷ *Synopsis Puris Theologiae...* 6th ed., ed. Herman Bavinck (Leiden, 1881), disputation 50, 'Of the Political Magistrate', sections XX-XXI, pp. 613-14.

⁴⁸ See Polander above; the [preface](#) to the volume, which was used as a textbook for Dutch reformed students training for the ministry for decades, was signed by all four of the Leiden professors: Polyander, Rivet, Walaeus and Thysius.

⁴⁹ See the above footnote.

⁵⁰ *A Theological Dissertation on the Civil & Ecclesiastical Power, both being Mutually Subordinate & Coordinate to Each Other...* (Amsterdam: 1642), p. 343 (bot.).

⁵¹ *An Examination of the Dissertation of Nicholas Vedel on the Oversight [Episcopatu] of Constantine the Great, or of the Power of Reformed Magistrates about [circa] Things Ecclesiastical* (Amsterdam, 1642), p. 47 (top), 76 (top) et al.

⁵² Gisbert Voet, *Politicae Ecclesiasticae* (Amsterdam, 1663), vol. 1, tract 2, ch. 2, p. 131 (bottom half).

⁵³ van Mastricht, *Theoretico-Practica Theologia*, vol. 2, bk. 7, ch. 7, 'Of the Government of the Church', Dogmatic Part, [section X](#), 'The External & Civil Power Governing Around the Church by the Magistrate', p. 958 & Elenctic Part, [section XIV](#), p. 960.

⁵⁴ *The Doctrine of the Covenants, or A System of Didactic and Elenctic Theology* (Amsterdam, 1691), Locus 23, ch. 30, section 1, p. 675.

⁵⁵ *A Necessary Defense of the Concord of the Pastors of Utrecht...* (Amsterdam, 1661), 'Defense of Article 9', p. 66 (mid).

⁵⁶ *Controversiarum de Religione cum Dissidentibus Hodie Christianis...* (Amsterdam, 1694), 'Controversies with the Anabaptists', 'Of the Economic, External Aspect of the Covenant of Grace, & First of the Political Government', section 26.2, p. 122 (bot).

⁵⁷ *Foederatum Belgium Orthodoxum; sive Confessionis Ecclesiarum Belgicarum Exegesis...* (Groningen, 1652), Article 36, 'On the Magistrate', section 17, p. 553.

⁵⁸ *The Scripture Text, or Divine Word, or Conscience-Warrant, of Church-Power, Jurisdiction, or Discipline...* (London, 1656), 2. 'Of the Doctrine...', p. 232.

⁵⁹ See above on John Humfrey.

⁶⁰ "...Human laws this way are... such which are materially and objectively ecclesiastical laws, that is, political, human sanctions of God's rules and laws respecting the Church also and Church ordinances, which we assert." *The Civil Magistrate's Power in Matters of Religion Modestly Debated...* (London: W. Wilson, 1653), p. 51.

Such a paradigm equates to the civil magistrate having no civil jurisdiction over the material Church; this was the position of Romanism, which the reformed constantly argued against.⁶¹ *Circa sacra* properly means that the magistrate has power *around the sacred aspects* of religion and the Church, even in the same material objects, or in the material Church itself (both the people and the government of it).

The Nature of Civil Power about Worship Ordinances

The nature of the magistrate's civil power upon the material Church is two-fold, respecting either (1) the substance of the Church and her worship, its sacred ceremonies or the essential parts of worship, or (2) the indifferent circumstances about the Church and her worship." Regarding (1), Gillespie explained in respect of the preaching of the Word, the administration of the sacraments, public prayer and catechizing:

"Tis true that about the same things the civil power is occupied, as touching the outward man, or the outward disposing of divine things in this or that dominion, as was said; not as they are spiritual and evangelical ordinances piercing into the conscience itself (but the object of the power-ecclesiastical is a thing merely and purely spiritual; and in so far as it is spiritual)..."⁶²

⁶¹ John Calvin: "To jurisdiction is annexed the immunity claimed by the Romish clergy. They deem it unworthy of them to answer before a civil judge in personal causes; and consider both the liberty and dignity of the Church to consist in exemption from ordinary tribunals and laws. But the ancient bishops, who otherwise were most resolute in asserting the rights of the Church, did not think it any injury to themselves and their order to act as subjects... They did not disapprove when princes interposed their authority in ecclesiastical affairs, provided this was done to preserve, not to disturb, the order of the Church, to establish, not to destroy discipline." *Institutes of the Christian Religion*, trans. Henry Beveridge (Edinburgh: Calvin Translation Society, 1845), bk. 4, ch. 11, [sections 15-16](#); Beza & Faius: "Rebellious and seditious therefore is the Papistical clergy, who under the color of certain counterfeit immunities, has presumed to withdraw the neck from the yoke of the magistrate." *Propositions & Principles of Divinity*, [ch. 78](#), p. 261; Festus Hommius, [Diputation 30](#), '*De Magistratu et Officio ejus circa Religionem*' in *LXX Disputationes Theologicae, Adversus Pontificios...* (Leiden, 1614), pp. 168-79; Daniel Chamier, '[The Kingly Primacy which the Magistrate has in the Church is Asserted](#)' in *Panstratia Catholica Completa, sive Controversiarum de Religione Adversus Pontificios...* (Frankfurt: 1627-1629), vol. 5, pp. 174-77. See also the subsection, '[That the Church is Not Subject to Legitimate Civil Law is Romanism](#)' on the webpage, 'On the Civil Magistrate's Just Authority for Restraining the Congregating of Citizens, even the Church...'

⁶² 111 *Propositions*, [#54-55](#). For more from Rutherford and William Steuart of Pardovan on preachers being subject civilly to the magistrate in their preaching and exercises of their office, see the subsection, '[On the Magistrate's Civil Power Regarding Public Preaching](#)' on the webpage, 'On the Civil

This civil power about the substantials of the Church and her worship will be elucidated in greater detail later in this Introduction.

With respect to the magistrate's power about (2) the indifferent circumstances of the Church and her worship, observe that any such exercise of civil power about them must (1) in principle hold equally⁶³ for civil society as it does for the Church; that is, the exercise of civil power about them does not respect spiritual or ecclesiastical things as spiritual, but rather simply as they are civil and are common with the rest of civil society.⁶⁴ Further, the exercise of the civil power (2) must be in accord with natural morality and the general principles of the Word respecting the use of all indifferent things unto edifying. Gillespie writes:

“...as touching... things merely circumstantial, and such as have the very same use and respect in civil [matters] which they have in sacred actions, we hold that whensoever it happens to be the duty and part of a prince to institute and enjoin any order or policy in these circumstances of God's worship, then he may only enjoin such an order as may stand with the observing and following of the rules of the Word, whereunto we are tied in the use and practice of things which are in their general nature indifferent.”⁶⁵

This magisterial authority is both for the conservation of civil society and the Church, insofar as it is civil. Thus, this magistratical power falls into the category of the “conservation” of religion, a category commonly given to the magistrate in reformed

Magistrate's Just Authority for Restraining the Congregating of Citizens, even the Church, & Quarantining, etc., with Sufficient Natural Warrant, according to God's Moral Law' at ReformedBooksOnline.com.

⁶³ Voet, *Politicae Ecclesiasticae*, vol. 1, p. 132 & 149 (mid). It is possible that such regulations may affect the Church more than the rest of society, if this be by accident due to the peculiar nature of the Church. For instance, if legitimate civil regulations concern public groups of persons singing together, this may affect the Church more than other parts of societies that do not have other groups that regularly gather together for singing. However, if such secular groups did regularly gather for singing, the regulations would equally affect them. If the civil regulations restrain the Church more in principle than other civil parts of society, then this would likely be due to discrimination in things *in sacra*, which would be illegitimate.

⁶⁴ Chamier, *Panstratiae Catholicae*, vol. 5, bk. 4, ch. 13, section 20, point 6, p. 177 (rt. col.); Apollonius, *Jus Majestatis*, pp. 18-20.

⁶⁵ George Gillespie, *A Dispute Against the English-Popish Ceremonies, Obtruded vpon the Church of Scotland...* ([Leiden: W. Christiaens] 1637), pt. 3, ch. 8, p. 141. Gillespie spells out those general rules of the Word on p. 142.

confessions and theological writings of the era.⁶⁶ What is *not* encompassed in this power of magistracy is the civil government instituting, of itself, in ordinary circumstances, ordinances that pertain peculiarly to the Church.

Civil Power about Church Assemblies

Rutherford taught that the magistrate had power about Church assemblies insofar as they respect the civil good, or civil harm. Rutherford objected to a leading New England, congregationalist theologian, that he “makes all that Christians do as Christians and as churches (that is, gathering of churches, hearing, partaking of seals and censures) to be private actings not belonging to the magistrate.” Rutherford, referring to the Church in Jerusalem in the early chapters of Acts, commented:

“Strange it is, that the convening of the ten thousand subjects in the same place (as our [Independent] Brethren say) belongs nothing to the magistrate; sure it sides with [civil] peace or war.”⁶⁷

Shortly thereafter Rutherford affirms that it pertains to the magistrate not only to give his “permission” to “assemblies” (generally) in the land, but also his “countenancing, favor, protection, reward, [and] stipends,” if those assemblies are a good work so to be praised, in light of Rom. 13:3.⁶⁸ Later in the section, Rutherford argues that the prince has a lawful power to hinder a large meeting of a church, if need be, as it could result in being destructive to the civil peace:

“...for so the [claimed] Church-Independent of Jerusalem, consisting of ten thousand, if not more, should have no intrinsic power to meet for the public worship of God; but the prince must have a lawful power to hinder their meeting, or then the Church cannot have a lawful power to meet; for the convening of ten thousands, if abused, is as dangerous for wasting

⁶⁶ See for instance, the Scots Confession (1560), [ch. 24, ‘Of the Civil Magistrate’](#).

⁶⁷ Samuel Rutherford, *A Survey of the Survey of that Summe of Church-Discipline Penned by Mr. Thomas Hooker...* (London: J.G. for Andr. Cook, 1658), bk. 4, [ch. 12, ‘Of the Magistrate’s Power in Convocating Synods’](#), p. 487.

⁶⁸ Rutherford, *Survey of the Survey*, [ch. 12](#), p. 489.

of a kingdom in its own way, as the convening of a national synod, is, or may be destructive to peace.”⁶⁹

Rutherford here teaches that the magistrate is legitimately able to forcefully hinder a church from meeting if it is contrary to the civil good of the society. Part of the reason for this is that when, where and in what circumstances public worship ordinances take place (according to the reformed orthodox), is positive and circumstantial, and not purely moral or spiritual.⁷⁰ Thus the civil magistrate, especially in circumstances of danger,⁷¹ has power unto good over such circumstances of Church assemblies as it respects civil concerns and society.

Applications

While this discussion has been, and will continue to be somewhat technical, making these distinctions and recognizing these categories is simply for the purpose of clearly articulating what is otherwise recognized by common sense. If a Church, the people, or its government, breaks God’s natural and moral laws and endangers civil society because of it, they should be restrained and corrected by the civil magistrate.⁷² In

⁶⁹ *Ibid.*, 499. See also the numerous puritan-era reformed resources under the subsection [‘That the Magistrate may Prohibit Church Assemblies with Sufficient, Natural, Civil Warrant’](#) on the webpage, [On the Civil Magistrate’s Just Authority for Restraining the Congregating of Citizens, even the Church...](#)

⁷⁰ That is, God has not said in the New Testament era that public worship ordinances must necessarily take place in particular, exact, times, places and circumstances, but has left that to the discretion of the Church and the civil discretion of the State, according to Christian prudence, the light of nature and the general principles of the Word (WCF 1.6). See the section, [‘Public Worship Ordinances are Partly Moral & Partly Positive, & Hence may be Held, or Not \(if Necessary\), & to Differing Degrees in Variable Circumstances’](#) on the webpage, [‘On the Ordinances, Order & Policy of the Church’](#), and the section, [‘That the Sabbath is Partly Moral & Partly Positive’](#) on the webpage, [‘The Lord’s Day’](#), both at [ReformedBooksOnline.com](#).

⁷¹ See the section, [‘In a Time of Danger & Spreading Disease’](#) on the webpage, [‘On Works of Necessity & Mercy on the Sabbath’](#), and the [sections of articles and quotes](#) on the webpage, [‘On the Relations Between the 1st & 2nd Tables of the Law’](#), both at [ReformedBooksOnline.com](#).

⁷² Gillespie: “86. What then? Shall it be lawful ordinarily for ministers and elders to do what they list, or shall the governors [elders] in the Churches, glorying in the law, by their transgression dishonor God?: God forbid. For first, if they shall trespass in anything against the magistrate or municipal laws, whether by inter-meddling in judging of civil causes, or otherwise disturbing the peace and order of the commonwealth, they are liable to civil trial and judgments, and it is in the power of the magistrate to restrain and punish them.” *111 Propositions*, #86; see also the section, [‘On the Authority of the Civil](#)

such natural and civil issues, the Church, as the Church, is not an expert, is not commissioned by Christ or gifted for such,⁷³ does not have a civil, judicial jurisdiction in its own civil things,⁷⁴ and it ought to live peaceably under a magistrate upholding the light of nature and civil morality, ordained for that purpose of God.

Hence, the Church ought to obey the magistrate in just zoning laws, fire and building codes, noise ordinances, traffic and sanitary regulations, et al. The State also has legitimate authority for justly limiting the activities of the Church (including its assembling and worship ordinances) in the circumstances of a harmful, spreading disease, with sufficient natural warrant, according to God's moral law.⁷⁵ If the magistrate has the power to wholly forbid such activities of the Church, insofar as they are outward and civil, upon sufficient natural circumstances according to God's natural and moral laws, then he also has power to coercively forbid only certain parts of those activities, with sufficient warrant.

A Further Argument

The natural Kingdom of God, and the magistrate governing therein, exists of itself from Creation and the Fall. On the other hand, God never had to send a Savior, or institute a redemptive, spiritual Kingdom at all.⁷⁶ The spiritual Kingdom being born and operating in this world does not take away one whit from God's government by nature through magistrates.⁷⁷ Grace complements and perfects nature; it is not immune to it, nor does it subtract therefrom. The Church, in fact, only has authority to act in accord with the light of nature.⁷⁸ Christ's Church must be materially under the magistrate (the

[Magistrate to Punish the Church which Errs in Natural & Civil Matters, & Evident Truth'](#) on the webpage, 'On the Civil Magistrate's Just Authority for Restraining the Congregating of Citizens, even the Church...'

⁷³ See the section, '[On the Restraints of the Church in Civil Matters](#)' on the webpage, 'How Far the Church may Speak to Civil Issues' at ReformedBooksOnline.com.

⁷⁴ Rutherford: "the Church has no politic power at all..." *Due Right*, pt. 2, [Appendix](#), p. 407.

⁷⁵ This has been, with the further elucidations that follow, the constant position of this author and ReformedBooksOnline since the beginning of the COVID-19 pandemic in 2020.

⁷⁶ See the webpage, '[Gillespie on the Early Church and Reformation Origins of Christ's Two Kingdoms](#)' at ReformedBooksOnline.com.

⁷⁷ Rutherford: "By order of nature, a politic power is first: men are first men in natural and politic society ere they be in a supernatural policy, or a Church; and Christ did not make a spiritual power by the intervention of a civil power." *Divine Right*, [ch. 23](#), p. 510.

⁷⁸ WCF 1.6 "...there are some circumstances concerning the worship of God, and government of the Church, common to human actions and societies, which are to be ordered by the light of nature and

fallible vice-regent of God the Creator) in civil respects, insofar as the Church necessarily remains materially under the authority of God the Creator in its civil existence and relations in this world. It is precisely because of this that magistrates may and ought to civilly vindicate the Church (people and government) by coercive power from the civil injuries of others. If the magistrate did not have civil authority over the material Church, it could not do that much.

Objection 1:

This Makes the Magistrate to be the Head of the Church & its Affairs

It is affirmed that Christ the Mediator alone is the visible and invisible Head of the Church, as it is the Church. Later⁷⁹ Anglican apologists, however, did argue upon similar grounds as the magistrate having authority over the material things in his kingdom with respect to natural and moral law that therefore the king was the visible head of the Church, Christ being its invisible head.⁸⁰

However, the obligation unto and ruling by natural and moral law is not what formally distinguishes the character of the civil and Church governments (as if one has it and the other doesn't): Church government and its officers are also to rule in accord with the light of nature and morality. Rather, one thing that does formally distinguish the two governments is their differing civil and spiritual bonds: the one is a natural and civil body under its head, God the Creator, and the other is a spiritual body formally under its head, Christ the Savior.

Christian prudence, according to the general rules of the word, which are always to be observed (1 Cor. 11:13,14; 1 Cor. 14:26,40)."

⁷⁹ Turretin argues for an orthodox sense of the king or queen of England being called 'the head of the Church' from early sources. That understanding, however, was clearly expanded by later Anglicans who set forth Erastian paradigms. *Institutes*, vol. 3, 18th Topic, question XXXIV, section XX. See also the discussion by Henry Alting, *Theologia Problematica Nova*, Locus XV, [Problem 8, 'Whether the Magistrate may Rightly be Called the Lord & Head of the Church?'](#), pp. 687-88 and Calderwood, *Altar of Damascus*, ch. 1, 'Of the King's Supremacy', pp. 1-21.

⁸⁰ This was also the position of Peter Martyr Vermigli, [ch. 3, 'Whether Two Heads may be in the Church, One Visible & Another Invisible'](#) in *The Common Places of the Most Famous & Renowned Divine Doctor Peter Martyr...* (London: Pater Noster Rovve, 1583), 4th Part, pp. 35-41.

As Gillespie noted, “Christians are governed by magistrates, neither as they are Christians, nor as they are men, but as they are subjects...”⁸¹ It is true that the magistrate is the civil head of all of his citizens, in some respect,⁸² however, he is not in any distinctive way the civil head of the Church more than the other unbelieving citizens of the State.⁸³ Rutherford explains and illustrates this:

“He [the king] is the head of the persons who make the Church, and so is a politic-head, but he is not the head of the Church-visible, as it is such. The head-visible and members are of one nature; the king as king is a politic and civil head; the visible Church is not a politic and civil, but an ecclesiastic body... Nathan as a man was David’s servant, but as a prophet he was God’s servant, and not David’s servant.”⁸⁴

To affirm what we are affirming and distinguishing here is no different from, and is in fact necessitated by the Scriptural teaching of Col. 2:8-10,⁸⁵ that Christ as God and Creator (along with the Father and the Holy Spirit) is the head of all natural and created powers. If this be so, then the Church, as materially extant, is under the (fallible) vice-regent of God the Creator, the civil magistrate.

⁸¹ George Gillespie, *An Assertion of the Government of the Church of Scotland...* (Edinburgh: James Bryson, 1641), pt. 1, [ch. 6](#), p. 42.

⁸² McWard: “That the supreme magistrate is the politic Head of the persons who make up the visible Church (viz. as they are members of the commonwealth) but is not their Head as they are members of the visible Church, i.e. he is not Head of the visible Church, because the Head & members are of the same nature, but the supreme magistrate as such and the Church as such are of very different natures.” *The Banders Disbanded*, p. 46. The headship of the magistrate over the commonwealth is not of the same kind as that of Christ with his Church, seeing as He is its mystical head, that which gives spiritual life unto all the members of his body, living and working through them. The king does not do this with his civil citizens. In fact, God the Creator, as head of all creation (c.f. Col. 2:9-10), does give all natural power to all creatures, though the king cannot be said to do this much for his citizens. In fact, the community of the people, of which the magistrate is a delegated servant of, has more power, by order of nature, in giving civil rights to its citizens than the chief magistrate does; see Rutherford, *Lex, Rex*, [ch. 9](#), ‘Whether or No Sovereignty is so in and from the People that they may Resume their Power in Time of Extreme Necessity’, pp. 33-39.

⁸³ Gillespie: “So the subjection of pastors and elders to the magistrate in all civil things (as other members of the commonwealth are subject) may well consist with the co-ordination of the ecclesiastical power with the civil.” *Aaron’s Rod*, bk. 3, ch. 15, [p. 257](#); Hommius, *70 Theological Disputations*, disputation 30, section 2, [pp. 169-70](#).

⁸⁴ Samuel Rutherford, *A Peaceable & Temperate Plea for Paul’s Presbyterie in Scotland...* (London: Iohn Bartlet, 1642), [ch. 19](#), ‘...as about... the King’s Power in Things Ecclesiastical’, p. 299.

⁸⁵ “...after Christ. For in Him dwelleth all the fullness of the Godhead bodily. And ye are complete in Him, which is the head of all principality and power...”

Further, as the magistrate only has power of itself about the Church in civil things, and that as equal with civil society, so God has left the Church to be peculiarly provided for by Christ its law-giving Head, through its own office bearers and government, which has the power and key of “order”,⁸⁶ or of governing itself unto its own spiritual ends and benefit. This key of order is a power to order indifferent circumstances (including times, places and settings of worship, etc.) to the convenience and spiritual profit of Christians as they are Christians and a worshipping society (in contradistinction to them being civil citizens and members of the commonwealth). As Christ has given this power of ordering his Church, formally as the Church, to his Church officers, so He has not given it to the civil officers of this world.⁸⁷ See this proved in Gillespie, *English-Popish Ceremonies*, pt. 3, [ch. 8](#), 148-54.

The two powers respecting the ordering of the material Church, one civil and one ecclesiastical, do overlap in some respect, upon certain natural warrant or circumstances, but not completely. The civil power, according to the era of reformed orthodoxy, only has power to be cumulative, in addition to, the Church’s power in her free, moral, exercise, and has no power to take away her just liberties and government given of Christ.⁸⁸ Hence, the civil magistrate, and the civil headship he has of his whole, civil nation, does not in the least take away from Christ ruling his people through his instituted presbyterian Church government. For an in-depth Scriptural refutation that the civil magistrate is the visible head of the Church because he has some civil care over her in his

⁸⁶ Gillespie, *Aaron’s Rod*, bk. 2, ch. 4, [p. 86](#).

⁸⁷ James Fergusson: ““We, contrary to all these, shall make out this following assertion: to wit, that the civil magistrate as a magistrate has no power either to preach, or administrate the sacraments, nor yet to make Church laws, or inflict church censures, either by himself or others as his deputes; but all this power does belong wholly to Church officers, ministers and elders: which power they are to execute without dependency on the civil magistrate, so that they are not liable to appeals to his court, neither has he power to rescind the sentence pronounced by them.” *A Brief Refutation of the Errors Tolleration, Erastianism, Independency and Separation Delivered in Some Sermons...* (Edinburgh: George Mosman, 1692), [section 3](#), p. 104.

⁸⁸ Calderwood: “The power of Christian princes in the Church is cumulative, to aid her to execute her power freely, not privative, to deprive and spoil her of any power Christ has granted to her.” *Altar of Damascus*, [ch. 1](#), p. 15; Rutherford: “...the external strength, dignity that the king shall add by his authority to the Church, but the tutor cannot rob the pupil of the law and privileges of the inheritance.” *Divine Right*, [ch. 25](#), p. 573.

nation, see Rutherford, *The Divine Right of Church Government...* (London, 1646), Introduction, [Section 2](#), pp. 13-26.⁸⁹

Objection 2:

If the Church Alone has the Power to Provide Public Worship Ordinances,
Then it Alone has the Power to Retract Them

If two governmental powers of different orders have some mutual subordination to each other with respect to the material objects they act upon, it is only natural, and necessary that with respect to a mixed action (partly spiritual and partly materially civil) that the spiritual power will have ability to elicit, or bring forth that act insofar as it is spiritual, and yet that the natural and civil government will have the power, with sufficient natural warrant according to its jurisdiction, to command or forbid with physical coercion such an action being outwardly done according to God's moral law.⁹⁰

Gillespie made the distinction between eliciting an act from one's own power, versus commanding it (or prohibiting it) to be done by those to whom it pertains:

"My second distinction shall be this: The magistrate may and ought not only to conserve justice, peace and order in the commonwealth and in the church, as it is in the commonwealth, but also to take special care of the

⁸⁹ See also, Thomas Cartwright, *The Second Replie of Thomas Cartwright: Agaynst Maister Whitgiftes Second Answer, Touching the Church Discipline* ([Heidelberg: Michael Schirat, 1575]), pp. 410-11, as well as Rutherford, *Peaceable & Temperate Plea*, [ch. 19](#), pp. 298-302 & *Due Right*, pt. 2, [Appendix](#), pp. 403-8 ff., 424-27 & 442-43.

⁹⁰ Rutherford: "Mr. [Thomas] Hooker [a congregationalist]: 'If it be in the magistrates power lawfully to forbid and hinder, then it is not in the power of the churches to do lawfully, for then the same thing should be in the same regard both lawful and unlawful... and the rules of providence shall be opposite one to another...'" [Rutherford's] Answer 1: The probation of the proposition is most false, for the power of the magistrate is not to forbid or command what he pleases, but according to the rule of the Word; and the Church's power is the same; if both the powers be lawful, their objects cannot be contradictory: for God has not given to two lawful powers any lawful liberty that the one may command what is lawful, and the other what is unlawful: for then He should give a power to command unlawful things, and the command of a created power should make it lawful, which is blasphemous..." *Survey of that Sum*, bk. 4, [ch. 12](#), p. 498; Bolton: "...though the power of the magistrate and the power of the Church do not differ in their material objects, yet they differ in their formal objects. The magistrate, as a magistrate, and the Church as the Church, in the name of Christ, may command and forbid one and the same thing, viz. they may command the sanctification of the Lord's Day, or they may forbid blasphemy, idolatry. Here their objects are materially the same, but now they differ formally: the magistrate, he commands or forbids upon penalty of bodily punishment, but the Church upon pain of ecclesiastical censures; the magistrate upon civil mulcts [fines], the Church upon spiritual penalties." *Arraignement of Errour*, pp. 317-18.

conservation of the true reformed religion and of the reformation of it when and wherein it needs to be reformed, *imperative* [by command], not *elicitive* [by drawing forth the power of oneself]. The magistrate (says Dr. [Andrew] Rivet *On the Decalogue*, p. 262) is neither to administer Word, nor sacraments, nor church discipline, etc., but he is to take care that all these things be done by those whom God has called thereunto.

Whatever is properly spiritual, belonging to the soul and inward man (such as church censures, and the other particulars before mentioned) cannot be *actus elicited* [an elicited act] of the magistrate... Yet all these, and generally the administration of the keys of the kingdom of Heaven, are *actus imperati* [an act having been commanded] of the Christian magistrate..."⁹¹

In the case of the magistrate with sufficient natural warrant forbidding the Church (as well as the rest of society) to assemble with over a certain number of people in a time of a spreading disease, the magistrate has elicited no spiritual act itself; it has only commanded others, according to its jurisdiction, to do their duty according to God's moral law.⁹² Nor can the Church complain in such circumstances: the Church has been given no power to elicit and perform spiritual exercises against God's moral law, or the magistrate civilly upholding it.⁹³

⁹¹ Gillespie, *Aaron's Rod*, bk. 2, ch. 8, pp. 122-23. For the same distinction in Rutherford, see *Divine Right*, ch. 24, p. 559 & ch. 25, p. 573.

⁹² Rutherford "For do not both the king as king, and the Church as the Church, command and forbid one and the same thing? Does not the king command the right worship of God, and forbid idolatry, and the blasphemy of God? and does not the Church in their synodical canons command and forbid one and these some things? Yea certainly, but the king does command and forbid by a kingly and coactive power, under the pain of bodily punishment, as incarceration, exile, proscription, or death, according to the quality of the fact." *Due Right*, pt. 2, Appendix, pp. 396-97; "But they differ, 1. that the Church's power is spiritual, the magistrate's causatively, effectively or objectively spiritual, but not intrinsically and formally spiritual, because he may command by the power of the sword spiritual acts of preaching, administering the sacraments purely, of defining necessary truths in synods, and forbid the contrary, but he cannot formally himself exercise these acts." *Ibid.*, pp. 405-6.

⁹³ Calderwood: "The Pastor, by the government of the kirk prescribed in the Word, is strong to resist or repress schisms, heresies, corruptions, and all the spiritual power of sin and Satan, but has no strength to withstand the temporal power and authority of princes... The pastor acknowledges his prince to be his only bishop and overseer, superintendent over the whole kirk in his dominions, as being preserver of the liberties of the kirk, and keeper of both Tables;" *Pastor & the Prelate*, 6th Part, pp. 115-16.

It should also be observed, as will be explicated more fully in sections below, that the civil magistrate does have the responsibility and power to procure and civilly provide public worship ordinances if there be gospel ministers in his land. Therefore the magistrate has the power to retract this civil procurement of worship ordinances if there is sufficient, moral warrant to do so.

In the opening stages of the worldwide, COVID-19 pandemic in 2020, the Public Questions, Religion & Morals Committee (PQRM) of the Free Church of Scotland (Continuing) publicly stated that they:

“...humbly recommend to our Scottish Government that in future they be careful to recognise the constitutional prerogative enshrined in our [Scottish] Revolution Settlement [of 1690], that the Church has sole authority under God for the providing or withdrawing of gospel ordinances in this land.”⁹⁴

This historical claim, however, is not only unproven and contrary to the background theological ethos of that historical era,⁹⁵ but it is actually false. The claim is referencing the ‘[Act Ratifying the Confession of Faith and settling Presbyterian Church Government](#)’ (1690)⁹⁶ of the Scottish Parliament. That act nowhere states, nor implies that the Church of Scotland which it was civilly establishing, “has sole authority under God for... withdrawing of gospel ordinances in this land.”⁹⁷ Further:

1. The Act, inline with the classical doctrine of *circa sacra*,⁹⁸ says that the Church was being civilly established in the land by the civil power (“The King and Queens

⁹⁴ Greg MacDonald, ‘[Corona Virus Pandemic: Update](#)’ March 26, 2020
<https://www.freechurchcontinuing.org/reports/news/fcc-news/item/coronavirus-pandemic-update>

⁹⁵ Much of which may be seen in this extended Introduction as well as on the webpage, ‘[On the Civil Magistrate’s Just Authority for Restraining the Congregating of Citizens, even the Church, & Quarantining...](#)’

⁹⁶ [legislation.gov.uk ‘Confession of Faith Ratification Act 1690’
https://www.legislation.gov.uk/aosp/1690/7](https://www.legislation.gov.uk/aosp/1690/7)

⁹⁷ It seems likely that what was driving this historical claim was not primary sources around 1690, but the later conception of the Establishment Principle in the 1800’s Free Church of Scotland.

⁹⁸ Rutherford: “5. The king’s power as king in things ecclesiastic, is not servile and merely executive, as the Church’s servant, to put their decrees in execution, but it is regal, princely and supreme. 6. The object of the king’s power is not simply a peaceable life, and external peace of human societies, but also honesty and godliness, but to be procured by a civil, politic, regal and coactive way, by the sword of the secular arm... 8. There is in heathen kings a regal and kingly power to establish Christian religion and

Majesties and three estates of Parliament"). If the civil power had authority to so civilly provide gospel ordinances in the land, then they may, with sufficient moral warrant, if circumstances were to call for it, civilly withdraw gospel ordinances in the land.

2. In the general context lying behind this act, besides the known Erastian tendencies of King William III,⁹⁹ his coronation oath contained the stipulation that he swore to "Governe the People of this Kingdome of England and the Dominions thereto belonging according to the Statutes in Parlyament Agreed on and the Laws and Customs of the same".¹⁰⁰ There are numerous evidences in England in the 1600's (as well as a notable one in Scotland without objection from the presbyterians) of various levels of the civil government in various places closing churches' assemblies due to significant, spreading diseases.¹⁰¹ Therefore, as King William III had sworn to uphold such "laws and customs", it is unlikely that the Act of 1690 was intended to give away that right and those "laws and customs".

3. The very Act itself confirms and upholds previous civil laws civilly forbidding the church¹⁰² assemblies of "popery and papists". If the Act upholds that the civil government can civilly forbid Church assemblies for religious reasons affecting the civil health of the commonwealth, how much more does the magistrate retain the power to forbid church assemblies for purely natural and civil reasons?

add regal sanctions to Christian synods... this power is essentially and *actu primo* [in the first motion], regal... 9. There is a difference betwixt a royal command under the pain of punishment, with a royal power to punish the contraveners-ecclesiastic, and a nomothetic [law-making] power to make Church laws; he has the former power, but not the latter." *Due Right*, pt. 2, [Appendix](#), p. 388-89; Gillespie, *111 Propositions* #97; Voet says that the papal view was that the magistrate had only a ministerial authority about matters *circa sacra*, whereas the reformed held it to be a lordly authority (with further attendant qualifications), as quoted in Apollonius, *Jus Majestatis*, [pp. 8-9](#).

⁹⁹ Which give presumption that it is not likely that King William or the civil power ever intended the act to divest them of a right to civilly forbid church assemblies in the land with sufficient civil, moral warrant, unto the good of their people.

¹⁰⁰ 'Coronation Act 1688', section III

<https://www.legislation.gov.uk/aep/WillandMar/1/6/section/III>

¹⁰¹ See the section, '[That the Magistrate may Prohibit Church Assemblies with Sufficient, Natural, Civil Warrant](#)' on the webpage, 'On the Civil Magistrate's Just Authority for Restraining the Congregating of Citizens, even the Church, & Quarantining...'

¹⁰² The dominant reformed view of the age, according to Scripture, was that the Roman Church was a Church; see '[On the Roman Church being a Church, She being Apostate, her Baptism being Valid...](#)' at ReformedBooksOnline.com.

4. The reformed orthodox on occasion distinguished that while the magistrate does not give the spiritual power to the Church, yet he does give to her the civil ability to exercise her spiritual power in a civil and peaceable way.¹⁰³ Hence, the magistrate may take that away if the exercise of her power is not civil or peaceable.

Objection 3:

The Magistrate would then have Power to Unduly Interfere with,
Control & Impede the Church's Mission

This is not true, and it is based on the false presupposition (so common in contemporary politics) that if a person or government has authority over something, then it has authority to use that thing in whatever way it wants to, for good or ill. Rather, according to Scripture, all authority has only been given of God for good (Rom. 13:4; Eph. 4:11-13; 2 Cor. 10:8; 13:8,10).¹⁰⁴ Human authorities, deriving all of their authority from God, have no authority for the detriment or harm of their people.¹⁰⁵ If they do perform actions or enact policies to the detriment or harm of their subjects, this is not done with the authority of God.¹⁰⁶ The London ministers rightly teach that the magistrate has no

¹⁰³ Rutherford: "The question is not whether the power of exercising [Church] discipline be from the magistrate, I mean in a free and peaceable manner, with freedom from violence of men: we grant that power, and by proportion also, that exercise of discipline is from him: But whether the intrinsical power be not immediately from Christ given to the Church; this we teach, as the power of sailing peaceably from danger of pirates and robbers is from the king, but the art of navigation is not from the king." *Divine Right*, ch. 23, p. 504; Bolton: "The Church has the exercise of her power from him, but not the power itself: the magistrate gives ability, but does not give the authority: The Church, say divines, has protection and encouragement from him, but has her authority and power from Christ." *Arraignment of Error*, p. 314.

¹⁰⁴ Beza & Faius: "No unchangeable rule of these [civil] laws, by reason of the variety of circumstances can be set down, save only this one, namely, that they be leveled and directed unto God's glory and to the good of the subjects. We do therefore condemn those customs, laws and constitutions which decline from this eternal rule of the honor of God, and love towards our neighbor... and we account them for such constitutions as unto whom no obedience is to be yielded." *Propositions & Principles of Divinity*, ch. 78, p. 261.

¹⁰⁵ Rutherford: "...but certainly the king's civil, kingly coactive power to compel men to do their duty remains the highest and most supreme power on earth, *in genere potestatis politicae*, 'in the kind of politic power', and pastors and all men may, by this power, be compelled to do right, as for the abuse of the power, it is no part of the power..." *Peaceable & Temperate Plea*, ch. 19, p. 304.

¹⁰⁶ Gillespie: "For 1. The very ground and reason wherefore we ought to obey the magistrate, is, for that he is the minister of God, or a deputy set in God's stead to us. Now, he is the minister of God, only for our good, Rom. 13:4. Neither were he God's minister, but his own master, if he should rule at his pleasure

authority to deprive the Church of any of her rights or liberties. The magistrate's power, they say, is:

“Cumulative, not privative: adding to, not detracting from any liberties or privileges granted her from Christ. The heathen magistrate may be a nurse-father (Isa. 49:23; 1 Tim. 2:2); he may not be a step-father. He may protect the Church, religion, etc. and order many things in a political way about religion; he may not extirpate or persecute the Church; he may help her in reformation; he may not hinder her in reforming herself, convening synods in herself (as in Acts 15, etc.) if he will not help her therein, otherwise her condition were better without than with a magistrate.”

Gillespie and Rutherford also teach this.¹⁰⁷

In this regard, if the magistrate rules civilly according to the light of nature and for the good of the Church, the Church cannot complain of interference from the magistrate more than complaining that the laws of nature, authored by God the Creator for the creatures' good, interfere with Church government. Also, as liberty to fully do one's lawful calling unto the Lord is a positive good, so this liberty ought not to be (and cannot be upon the authority of God) restrained by civil government apart from sufficient natural warrant.

Further, the doctrines of *circa sacra* cannot be obstructive to the Church's mission¹⁰⁸ because the magistrate has no power to bind except what God Himself binds through

and command things which serve not for the good of the subjects. Since therefore the commandments of princes bind only so far as they are the ministers of God for our good: and God's ministers they are not in commanding such things as are either in their nature unlawful, or in their use inconvenient: it follows that such commandments of theirs cannot bind. (Pareus on Rom. 13:4)... We are bound by the Law of God to do nothing which is not good and profitable or edifying, 1 Cor. 6:12 & 14:26. This law of charity is of a higher and straiter bound than the law of any prince in the world.” *English-Popish Ceremonies*, pt. 3, [ch. 8](#), p. 134. Jerome Zanchi: “But yet if a magistrate command us anything against the will of Him who sent, and whose minister he professes himself to be: we doubt not, with the apostles, to deny obedience unto him, and to say, we ought to obey God more than man (Acts 5:29): whenas indeed, such a magistrate is not in that behalf the minister of God.” *H. Zanchius his Confession of Christian Religion...* ([Cambridge:] Iohn Legat, 1599), [ch. 26](#), p. 243.

¹⁰⁷ Gillespie, *Aaron's Rod*, bk. 2, ch. 8, [pp. 123-24](#); Rutherford, *Peaceable & Temperate Plea*, [ch. 19](#), p. 298 & *Due Right*, pt. 2, [Appendix](#), p. 430.

¹⁰⁸ McWard: “This power of the magistrate as to Church-affairs is cumulative, not privative, defensive, not destructive, imperative and coactive, not elicitive, objective, not formal, corroborative not

nature and the Word. Ultimately no human authority can bind another creature except through the will of the Lord, as “There is one Lawgiver.” (James 4:12) Gillespie wrote just before the Second Reformation in Scotland:

“But still I ask, are we absolutely and always bound to obey magistrates? Nay, but only when they command such things as are according to the rules of the Word, so that either they must be obeyed, or the law of charity shall be broken: in this case, and no other, we are bidden obey.”¹⁰⁹

Jurisdiction & Conscience

The magistrate, and not the Church, does have the jurisdiction in civil matters about the Church, when there is sufficient natural and moral warrant for such, and when it is unto the commonwealth’s and Church’s good. However, it may be objected: Who gets to decide whether certain policies are for the good or detriment of the Church? or are the will of God? It should be noted that apart from people deciding, the good or ill that redounds to the Church by a given policy of the magistrate can be measured objectively by the light of nature as the effects actually unfold. This, or what is projected about this, ought to be a basis for the magistrate’s, and other persons’ judgments about the matter.

Though the magistrate has the jurisdiction about civil things in the court of men¹¹⁰ with regard to the material Church, the Church (her people, officers and courts) retain

abrogative, sancitive, not legislative, not *sacra* properly or *in Sacris*, but *CIRCA SACRA*...” *The Banders Disbanded*, pp. 44-45.

¹⁰⁹ Gillespie, *English-Popish Ceremonies*, pt. 3, [ch. 8](#), p. 157; Rutherford: “Nothing but what is either God’s express Word, or his Word by consequence does lay a band on the conscience of itself... The major [proposition] is sure, because the Word is the perfect and adequate object of matters of faith and moral practice which concerns the conscience, Ps. 19:7-8; 119:9; Jn. 20:31; Prov. 8:9.” *Divine Right*, ch. 2, [question 2](#), p. 203; Henderson before the English, civil House of Commons: “The rule of building the house of God and of the reformation of Religion, is the same and perpetual: the commandment of God, and not the commandment of man, one or more, whether they be civil or ecclesiastical persons. It is their part to provide according to their places and callings to command and direct that the Commandment of God be obeyed. This king commands not that his will be done, but what God has commanded. Neither king nor parliament can command otherwise... And yet in all this exercise of their power, they are to do nothing but according to the Commandment of God...” *A Sermon Preached*, [p. 20](#). See the webpage, ‘[How Far the Laws & Commands of Human Authorities Bind the Conscience](#)’, and note well the reformed doctrine ‘[That the Command of Authorities does Not Make Indifferent Things Necessary](#)’ on the webpage, ‘On Things Indifferent (Adiaphora)’, both at ReformedBooksOnline.com.

¹¹⁰ As distinguished from *in foro Dei*, “in the court (or sight) of God”

the right of private discretion, or conscience, whether they morally can and will perform such actions or not. Insofar as all human commands are by their nature in their circumstances positive (in contrast to that which is purely natural and moral),¹¹¹ so no human authority can bind the conscience (God is the Lord of it alone), and all human commands only bind insofar as God's natural and moral laws bind therein.¹¹²

Who gets to decide whether a policy of the magistrate is for the good of the Church? Everyone with a conscience,¹¹³ according to their station, ability and power, as we all must "prove all things" (1 Thess. 5:21) and must live unto the Lord, whatsoever is not of faith being sin.¹¹⁴ It is acknowledged, precisely because the two jurisdictions may necessarily exert their powers at times about the same objects, that it may be difficult to clearly, mutually and agreeably discern at the specific juncture where precisely one authority's power holds and the other's ends.¹¹⁵ If the magistrate's mandates be not in accord with the Word of God (which upholds the light of nature and all morality known

¹¹¹ See the webpage '[On Positive Laws & Ordinances, & the Law of Nations](#)' at ReformedBooksOnline.com.

¹¹² The trouble with some of the response to the COVID-19 pandemic was not that the civil government made ordinances about churches, which it had the authority (in the abstract) to do, but that often its ordinances were unduly restrictive (not reflecting natural law, and hindering what was good), and hence were unjust. All human commands, whether from those holding God-given offices or not, cannot bind farther than God's natural, moral and positive laws (or his will) binds. See the webpage, '[How Far the Laws & Commands of Human Authorities Bind the Conscience](#)' at ReformedBooksOnline.com.

¹¹³ Gillespie: "Since the power of princes to make laws about things ecclesiastical is not absolute, but bound and adstricted unto things lawful and expedient, which sort of things, and no other, we are allowed to do for their commandments: and since princes many times may and do not only transgress those bounds and limits, but likewise pretend that they are within the same, when indeed they are without them, and enjoin things unlawful and inconvenient under the name, title and show of things lawful and convenient: Therefore it is most necessary as well for princes to permit, as for subjects to take liberty to try and examine by the judgement of discretion, everything which authority enjoins, whether it be agreeable or repugnant to the rules of the Word, and if after trial it be found repugnant, to abstain from the doing of the same." *English-Popish Ceremonies*, pt. 3, [ch. 8](#), p. 135; see the section '[On the Right of Private Discretion](#)' on the webpage, '[On Implicit, or Blind Faith & Obedience](#)' at ReformedBooksOnline.com.

¹¹⁴ Gillespie: "'Whatsoever is not of faith is sin,' Rom. 14:23. But whatsoever a man does without the trial, knowledge and persuasion of the lawfulness of it by the Word of God, that is not of faith; therefore: a sin. It is the Word of God, and not the arbitrement of princes whereupon faith is grounded. And though the Word may be without faith, yet faith cannot be without the Word." *Ibid.*

¹¹⁵ McWard with respect to Church affairs: "As it is a matter of great moment & difficulty to fix the just limits and landmarks of the magistrate's power and prerogative, and of the subjects' rights and privileges as to the exercise of either, *pro hic et nunc* ['for here and now']: So it is of no less difficulty and import to condescend upon the most proper and effectual means *hic et nunc*, for keeping both within the limits of their proper orb, or curing the extravagances of either, or to give a just and impartial decision when either is invaded by the other." [The Banders Disbanded](#), pp. 46-47.

therefrom), or goes beyond such, this being recognized by persons and/or the Church in their conscience,¹¹⁶ then “we ought to obey God rather than men.”¹¹⁷

III. The State’s Authority *Circa Sacra* Towards Non-Christians

There is a significant drawback to the piece by the London ministers, and most works on *circa sacra* from the Post-Reformation era: They assume that the nation is professingly Christian, both in its populace and in its governing civil constitution.¹¹⁸ Those are not our circumstances today. Because of this assumption the London ministers assert and argue for coercive power for the magistrate around sacred things *simply*, when in reality these theological and Biblical principles are significantly conditioned. A person not knowing that would rightly take just offence at the notion of a government civilly coercing positive actions upon non-Christians through distinctively¹¹⁹ Christian, civil laws.

The Spread of the Gospel must be by Spiritual Means,
not the Sword

¹¹⁶ McWard: “Although we refuse not to yield obedience to the magistrate's commands except we be convinced in our conscience of the unlawfulness of them, yet we acknowledge and assert that the Word of God alone and not the dictates of conscience is the adequate and infallible Rule both of obedience and disobedience.” *The Banders Disbanded*, p. 45; Robert Wodrow narrating the speech of George Hutchison, with other Scottish Presbyterian ministers, in 1673 before his Scottish Erastian interrogators: “...and a power objectively ecclesiastical, which was allowed to him [the magistrate], intimating that the [ministerial] brethren would either observe, or not observe their directions, according as they judged of them in their consciences, upon their peril.” Wodrow, *History of the Sufferings*, 2.220 fn. (rt. col. mid.).

¹¹⁷ Gillespie, 111 Propositions #99. See the webpage, ‘[Resistance to Tyranny](#)’ at ReformedBooksOnline.com.

¹¹⁸ This is often premised in their speaking of the “Christian magistrate” as distinguished from a heathen or non-Christian magistrate or magistracy.

¹¹⁹ Most Christian laws are not distinctively Christian, but rather simply reflect God’s natural and moral laws, which are universal to all times and places and binding upon all people as all people have, and are obligated by, the light of nature. Distinctively Christian laws are those that have a specific respect to the revealed Christian faith not known from Nature.

The spread of the Gospel and the Lord's religion is to be through the persuasion of a person's soul by the Word of God (bringing divine conviction, as He alone is the Lord of the conscience), and not by any means of physical coercion. Rutherford writes:

"1st Conclusion: Fire and sword, or war, or the coercive power of a magistrate is not God's way of planting the Gospel in a heathen nation which never heard of the gospel before: 1. Because the apostles were commanded by teaching the gospel to all nations, Mt. 28:19-20; Mk. 16:15; Acts 7:8; and not by war to spread the gospel; 2. Because Christ's Kingdom is not of this world, for then his servants would fight for Him (Jn. 18:36), nor are the weapons of our warfare carnal (2 Cor. 10:4), nor is Christ's sword any other thing than the Word of God (Rev. 19:15; Gal. 6:17)."¹²⁰

Rutherford quotes numerous Early Church fathers to this effect, including Lactantius (d. c. 320),¹²¹ whom he summarizes as teaching, "that religion is like free-will, and free-will like a virgin which cannot be ravished."

False Religions of Unbelievers may be Restrained by the Magistrate

The following important distinction of Rutherford derives from a fundamental law of nature; that axiom known by the light of nature is expressed in Westminster Larger Catechism, #99.5 as, "That what God forbids, is at no time to be done (Job 13:7,8. Rom. 3:8. Job 36:21. Heb. 11:25)." Hence, while the magistrate may not coerce non-Christians to a receiving of the gospel, any internal religious acts of faith love, etc., or positively,

¹²⁰ Edward Leigh: "Magistrates ought not to plant or propagate religion by arms. The cruelty of the [Romanist] Spaniards upon the Indians is abhorred by all. True religion should be planted by true doctrine, instruction, example, but it may be defended by arms." *A Systeme or Body of Divinity*... (London: A.M. for William Lee, 1654), 9th bk., [ch. 6](#), p. 834; Rutherford, *Due Right*, pt. 2, [Appendix](#), p. 353; "It is not lawful for us to go with fire and sword, to force the Indians, Samaritans, or any heathen to embrace the Christian faith; 'the weapons of our warfare are not carnal' (2 Cor. 10:4)." *A Free Disputation Against Pretended Liberty of Conscience*... (London: R.I. for Andrew Crook), [ch. 21](#), pp. 249-50; see especially his state of the question in [ch. 4](#), pp. 46-48 ff.; van Mastricht, [section XX, '7. Whether the Civil Magistrate ought to Constrain Men to the Faith? \[No\]'](#) in *Theoretico-Practica Theologia*, vol. 2, bk. 7, ch. 6, p. 853.

¹²¹ Rutherford, *Due Right*, pt. 2, [ch. 6, section 5](#), p. 353; Lactantius, *The Divine Institutes*, [bk. 5](#), ch. 19.

externally worshipping Christ, yet he may, and should prohibit them from external, sinful acts of false religion. Rutherford:

“2nd Conclusion: A Christian prince subduing a heathen nation [for legitimate, defensive, civil reasons], may compel them to desist from a negative dishonoring of Christ, and from an external false worship. Dan. 3:29, ‘Therefore I make a decree, that every people, nation, and language, which speak anything amiss against the God of Shadrach and Abednego, shall be cut in pieces and their houses shall be made a dunghill.’ 2. The magistrate bears not the sword for nothing, or in vain, for he is the minister of God, a revenger to execute wrath on those who do evil,’ Rom. 13:4. Therefore he should be God’s minister to execute wrath on those who dishonor Christ.”¹²²

That is, the magistrate, as the (fallible) vice-regent of God the Creator, should uphold nature in her original purity in conjunction with the known light of special revelation, though he may not externally coerce an unbelieving people to faith in the Savior of sinners or his external worship.¹²³ Oh! how sweet and gentle is Christ’s call to them!:

“Come unto me, all ye that labour and are heavy laden, and I will give you rest. Take my yoke upon you, and learn of me; for I am meek and lowly in heart: and ye shall find rest unto your souls. For my yoke is easy, and my burden is light.” (Mt. 11:28-30)

How are the people to become Christians if it is not through the magistrate?¹²⁴ It is to be through the preaching of gospel ministers. The Christian magistrate in a non-

¹²² Rutherford, *Due Right*, pt. 2, [ch. 6, section 5](#), pp. 353-54.

¹²³ Durham: “...there is a difference between the constraining of a circumcised or baptized people to worship God in the purity of ordinances, as they have been engaged thereto, which was Josiah's practice, and the constraining of a people to engage and be baptized, which were not formerly engaged; because, actual members of a Church have not even that liberty as others have, to abandon ordinances: and this puts them to no new engagement in religion, but presses them to continue under former engagements, and accordingly to perform: Hence we see, that both in the Old and New Testament, Church-members have been put to many things, and restrained from many things, which had not been pertinent in the case of others. See 2 Chron. 15:13.” *Dying Man's Testament*, pt. 3, [ch. 14](#), pp. 253-54.

¹²⁴ A different question is the one where a Christian nation, for legitimate, defensive, causes purely civil, takes over an unbelieving nation. That unbelieving nation then comes under the Christian constitution of the victorious nation, and, as servants to them, the conquering nation takes on the relation

Christian land, recognizing the true religion out of conscience, may and ought to support the gospel ministers and Christ's Kingdom with every external furnishing and means of civil assistance,¹²⁵ as well as in removing every civil impediment unto the mission of Christ's ministers.¹²⁶

The Magistrate may Compel to the Hearing of the Gospel

As God alone is the only Lord of the Conscience, so no magistrate or any earthly power has been given authority, or can find it in the design of Nature, to compel persons to inward acts of faith and worship or to receive the gospel. Yet in consistency with this, all people, with all the earthly resources, authority and power they have, are to seek first the Kingdom of God and his Righteousness (Mt. 6:33), and to promote this in their neighbors unto their duty, as far as possible according to their station and power. This includes the magistrate who has an external and secular¹²⁷ dominion.¹²⁸

of a master to them. As masters are to provide religious instruction and governance to their servants, so the Christian lords have further responsibilities and duties in the matter. See Rutherford, *Free Disputation*, [ch. 21](#), pp. 250.

¹²⁵ Fergusson: "By this power they are to provide the Church with all external necessities; as public convenient places of meeting for God's worship, and public maintenance for the Church officers, etc. This we see was Hezekiah's practice, 2 Chron. 31:4, 'Moreover, he commanded the people that dwelt in Jerusalem, to give the portion of the priests and the Levites, that they might be encouraged in the Law of the Lord.' And it was Josiah's practice, 2 Chron. 34, 'He repaired the House of the Lord,' the public place of God's worship." *Brief Refutation*, [section 3](#), p. 105. William Gouge, [§74](#), 'Of the care which Governours must have of publique pietie' in *Gods Three Arrovves Plague, Famine, Sword, in Three Treatises...* (London: George Miller, 1631), pp. 323-5.

¹²⁶ The fact that this would entail using tax money for purposes not originally designed of the people, and possibly against their will, is irrelevant: the money may and ought to go to good civil causes (Rom. 13:4, this being the chief), even if the conscience of the people errs. God's moral law is the standard of ethics, not other people's erroneous consciences. If it be objected yet that this would be for the magistrate to give his own people passive scandal (where he has not sinned and yet persons take offense at it, which ought normally to be avoided), yet this is for a morally necessary cause (for which passive scandal is morally and Biblically allowed). Also, by the 2nd Commandment the people owe their service and work to support public worship ordinances in the land. See also James Buchanan, 'Prefatory Discourse', [pp. 62-68](#) in *Lectures on the Nature, Lawfulness, Duty & Advantages of Civil Establishments of Religion...* (Edinburgh: Fraser & Co., 1835).

¹²⁷ "Secular" in the older Latin sense used by the reformed of "worldly", or "of the things of this world".

¹²⁸ Scottish 2nd Book of Discipline, [ch. 10](#): "1. Although all the members of the kirk are held, everyone in his vocation, and, according thereto, to advance the kingdom of Jesus Christ so far as lies in their power; yet, chiefly, Christian princes, and other magistrates, are held to do the same. For they are

The Spiritual End of the Magistrate

While the magistrate only has jurisdiction about the outward man (in accord with the limitations of the created sphere), yet nature and Scripture teach, as well as reformed divines,¹²⁹ that magistrates, as all people, are to seek the whole good of their neighbor, body and soul, spiritual as well as physical, with the outward means under their care. The apostle Paul illuminates a design of the magistratical power when, in instructing Christians to pray “for kings and for all that are in authority,” this is for the purpose “that

called in the scriptures nourishers of the kirk...”; Bolton: “All men are to improve their talents and lay out their utmost power and abilities for the service of God and the advancement of his truth and glory, etc. And the power of the magistrate being such a talent put into his hands, of the use of which he is to give account; Certainly he is bound to lay it forth for the advancement of God now under the New Testament, as well as under the Old. If there be any difference, undoubtedly it is in this, that seeing the magistrate has received greater favors of God now under the New Testament than were dispensed under the Old, he lies under greater obligations and engagements by all his power and authority to serve God, and advance his truth and Gospel, than those under the Old.” *Arraignment of Errour*, p. 323; Heidegger: “Hence, as ministers of the church and all the faithful members of the church are kept to serve the interests of the same [Christ] according to calling and gifts received from God, so the pious and faithful magistrate ought to so serve the interests of Christ and His kingdom, which is the Church...” *Concise Marrow of Theology*, p. 199.

¹²⁹ William Ames: “It belongs to magistrates to procure the common good both spiritual and corporal of all those who are committed to their jurisdiction, by politic means and a coercive power, 1 Tim. 2:2...” *The Marrow of Sacred Divinity* (London: Edward Griffin, 1642), bk. 2, [ch. 17](#), thesis 48, p. 360; Durham: “For, the Lord’s design in settling of societies and appointing of magistrates is to be expounded as subservient to that great end of men’s glorifying of God and enjoying Him. And certainly magistrates are to have that as their own end, even in the actions of their station, and to endeavor to promote that amongst these over whom for their good they rule.” *Dying Man’s Testament*, [ch. 13](#), p. 241; “He might order them to keep the ordinances, and in going about them to keep the rule, because that is but a constraining of them to the means whereby religion works and a making them, as it were, to give God a hearing, leaving their yielding and consenting to Him, when they have heard Him, to their own wills, which cannot be forced; yet it is reason that when God comes by His ordinances to treat with a people, that a magistrate should so far respect His glory and their good, as to interpose His authority to make them hear.” *Ibid.*, [ch. 14](#), p. 253; Brown of Wamphray: “As the Lord calls magistrates to promote both the temporal and spiritual good of their subjects, so has He endued them with power and authority for that effect... but to do it in a civil, political way, as being endued with authority of compelling in a lordly magisterial manner: therefore they have a sword...” *An Exposition of the Epistle of Paul the Apostle to the Romans...* (Edinburgh: David Paterson, 1766), on Rom. 13:3-4, [p. 507](#) (lt. col.); Benedict Pictet: “...for they are bound to provide for all things that relate to the happiness of their subjects, which has been always done by godly princes, such as David, Solomon, Jehoshaphat, Hezekiah, Josiah... the magistrate is bound to set up the pure doctrine and worship of God; to preserve them when set up...” *Christian Theology: Translated from the Latin of Benedict Pictet...* trans. Frederick Reyroux (London: R.B. Seeley & W. Burnside, 1834), ch. 10, ‘Of Magistrates’, [p. 462](#). Heidegger: “The magistrate is... ‘a minister of God unto good’, Rom. 13:3-4, having been ordained ‘to the praise of good works’, yet the greatest work of good is piety.” *Medulla Medullae*, locus 27, [section 23](#), [p. 253](#).

we may lead a quiet and peaceable life in all godliness and honesty.” (1 Tim. 2:1-2)¹³⁰ In other words, we are to pray that magistrates may well accomplish the end of their reign, that their subjects lead a peaceable life in all godliness (the First Table of the Law) and honesty (the Second Table of the Law).¹³¹

The inescapable reason for this inherent, spiritual design of the magistrate (and all people according to their places and stations) is that, while God the Creator outwardly provides for and disciplines the outward man, yet He does this for man’s holistic good, including man’s spiritual good. An end of God the Creator is the righteousness, blessedness and even the eternal good of man,¹³² according to his righteous character and law, especially as his natural and moral will is summarized in the First Table of the 10 Commandments. It is in accord with this will of God that we are to holistically love others as we do ourselves (Mt. 22:39-40) with the natural power that we have in reference to them, or above them. If this is the design and providence of God the Creator about man, then it must also be the design and character of the (fallible) vice-regent of God the Creator, the civil government.¹³³ George Swinnock, referring to magistrates in the Scriptural designation of “gods” (Ps. 82), said, “Thus should the gods promote godliness as the chief business which the most high God has given them to do. Other things of

¹³⁰ Theodore Beza: “...the duty and office of the magistrates is not to regard simply the peace and concord of subjects, but principally for this end, that the peace and concord may tend to the honor and glory of God, that all men may live not only in a certain civil honesty, but also with piety and true worship of God, as witnesses saint Paul (1 Tim. 2).” *A Briefe & Piththie Summe of the Christian Faith...* (London: Richard Serll, 1565), ‘Of the Church’, [ch. 42](#), p. 125; Rutherford: “The end of kingly power, *de jure*, by God’s right and divine Law, *ex intentione Dei approbatio* [out of the approving intention of God], is godliness, but the end of kingly power according to its essence, and *de facto*, is a quiet life, though it attain not godliness, as it does not attain that end, nor can it attain it amongst pagans, and yet there is a kingly power in its essence, whole and entire amongst pagans where there is no godliness or Christian religion.” *Due Right*, pt. 2, [Appendix](#), p. 388.

¹³¹ While Paul might have known this simply from natural intuition, yet he gives a further reason in verses 3-4, “For this is good and acceptable in the sight of God our Saviour; who will have all men to be saved, and to come unto the knowledge of the truth.”

¹³² That there is a non-saving call of God through general revelation for all men to come to Him (though they be spiritually incapable of doing so), was standard doctrine for the reformed orthodox. See the section, ‘[On the Call of God through General Revelation](#)’ on the webpage, ‘General Revelation’ at ReformedBooksOnline.com. Likewise in reformed orthodoxy, an end of the Covenant of Works was the eternal blessedness of man.

¹³³ Rutherford: “...and compels to external obedience, and leads men on to godliness and to eternal life, by external pomp, force and the terrors of bodily and external punishment, and his warfare is carnal, as the Scripture does prove (Dan 3:29; 6:26-27; Lk. 22:24,29; Rom 13:4; 1 Pet. 2:13-14 ff.; 1 Tim 2:2)...” *Due Right*, pt. 2, [Appendix](#), p. 391; “Therefore, in all that may conduce to life eternal, he is a king by office, but in a coactive and regal way.” *Ibid.*, p. 394.

what nature soever which come within the reach of their care, are question-less much inferior to this.”¹³⁴

When the magistrate comes to recognize in conscience the true religion through the special revelation of the Gospel (which is self-authenticating) that eternal salvation is through Jesus the Christ, so he may and ought to direct his natural power and civil means towards directing his people to this particular end (which falls under his general end)¹³⁵ according to the natural law of charity for his people’s good, especially their eternal and highest good, their own salvation and eternal reconciliation with God.¹³⁶

¹³⁴ George Swinnock, *Men are Gods, or the Dignity of Magistracy, & the Duty of the Magistrate: as it was Presented in a Sermon...* (London: R.W. for Nevil Simmons, 1660), p. 252.

¹³⁵ Bolton: “...though this power do belong to magistracy in general, and to all magistrates, yet all are not fit and able to exercise it; the authority belongs to the pagan, as well as the Christian magistrate, say divines, but in a different sense: one has this power, *in actu signato* [in an act signified], the other, *in actu exercito* [in an exercised act]; one has the right, but he wants the ability to exercise it, because being ignorant of Christ and the principles of Christian religion, and thereby wanting [lacking] the directive power, he cannot use the commanding and executive power.” *Arraignment of Errour*, p. 325; Rutherford: “There is in heathen kings a regal and kingly power to establish Christian religion and add regal sanctions to Christian synods, though there neither is, nor can be, during the state of heathen paganism any Christian religion there; this power is essentially and *actu primo* [in the first motion], regal, yet as concerning execution, it is virtual only.” *Due Right*, pt. 2, [Appendix](#), p. 388.

¹³⁶ Beza: “The main end of human society is that God be honored as He should be. Now the magistrate is set as guard and governor of this society... And though it be his duty, so far as in him lies, to take order that no discord arise among his subjects, yet since the chief and ultimate end of human society is not that men should live together in peace, but that, living in peace, they should serve God, it is the function of the magistrate to risk even this outward peace (if no otherwise may it be done) in order to secure and maintain in his land the true service of God in its purity... those who would that the magistrate should not concern himself with religion, either do not understand what is the true end of human society or else pretend that they do not.” *A Book on the Punishing of Heretics by the Civil Magistrate...* (1554), [p. 186](#) as trans. J.W. Allen, *A History of Political Thought in the Sixteenth Century* (London: Methuen & Co., 1928), [p. 96](#); Bolton: “Certainly, though it should be granted that the magistrate were God’s officer, not Christ’s as Mediator, yet it will not weaken this truth, which we assert: for it cannot be but that God who has made it his design to preserve and advance the Kingdom of Christ, should especially aim at it in the constituting and setting up a government in the world.” *Arraignment of Errour*, p. 320; Turretin: “V. (2.) From the titles and appellations given to the magistrate in Scripture as [1.] when they are called *nursing father* of the church... Is. 49:23; Is. 60:10... not only to procure for her temporal goods, but what is far more necessary, spiritual and heavenly goods.... *Pastors* (Is. 44:28), not because they only furnish food, but that they ought to be anxious for their salvation, taking care that their subjects are led to the healthful pastures of the word of God. [4.] *Fathers* (1 Sam. 24:11), who ought to have a care for their people, that their food and clothing may be provided for them; but especially their spiritual food and that they may be instructed in the fear of the Lord.” *Institutes*, 3.317.

Hence, while conversion (in the strongest terms) ought not to be by the sword,¹³⁷ yet the magistrate may cause¹³⁸ his people to stand to the hearing of the Gospel, just as fathers may and ought to do with their children.¹³⁹ If magistrates are called “fathers” in Scripture (Isa. 49:23; [WLC](#) #124),¹⁴⁰ and are to have that character by nature, then may they not with Cornelius command and bring all their house with them to hear the gospel at the mouth of a Christian minister called for the purpose? “Now therefore are we all here present before God, to hear all things that are commanded thee of God.” (Acts 10:32-33) Stephen Marshall, a Westminster divine wrote that magistrates:

“...may command and order the people to come and attend upon the ministry of the Word, as the means instituted by Christ for their instruction to salvation. It is one thing to order them what they shall believe, another thing to order them to wait upon the means. All grant the civil magistrates may call public assemblies, to hear their proclamations and statutes, etc. read: if they may call a whole town to hear a law, then much more may they call them and order them to hear God’s Laws.”¹⁴¹

¹³⁷ Hall: “Abominable then is that cruelty of the Papists, who by inhumane tortures would force the poor Indians to baptize their infants, and say as they say, and hold what they hold.” *Beauty of Magistracy*, verse 1, use 2, [observation 7](#), p. 81; Bolton, *Arraignment of Errour*, p. 326.

¹³⁸ Not through positive force, at the point of the sword, but by commanding them to their duty and civilly disciplining the omission of this duty. It is the people’s duty insofar as it would be known from the claims of the Gospel and the seen, attendant fruits of it, that it purports to be a revelation of God, and all people by the light of nature are to seek God.

¹³⁹ Rutherford: “The father commands the children now in the state of sin to learn and hear the judgements and testimonies of God, Gen. 18:19; Ex. 12:27; Ps. 78:3,5-6; Joel 1:2-3; and that in order to the rod and bodily punishment, Prov. 13:24; Prov. 23:13, ‘Withhold not correction from the child, for if thou beatest him with the rod, he shall not die. Thou shalt beat him with the rod and shalt deliver his soul from hell.’... and the like morally lays bands on all magistrates and ministers, according to the power of the rod, civil or ecclesiastical committed to them... yea, every man is to take care that he and his house serve the Lord... then must the prince, the parliament, the magistrates say the like, and take care according to their places as fathers of the commonwealth to do the same.” *Free Disputation*, [ch. 12](#), p. 177.

¹⁴⁰ Rutherford: “A king is *parens patriae*, the father of the commonwealth.” *Due Right*, pt. 2, [Appendix](#), p. 393.

¹⁴¹ Stephen Marshall, *The Power of the Civil Magistrate in Matters of Religion Vindicated... Preached Before the First Parliament* (London: G. Firmin, 1657), [pp. 7-8](#). Hall: “If men be obstinate, the magistrate may and must compel them to keep the Sabbath and to frequent the worship of God (See Mr. Rutherford’s *Due Right of Presbytery*, [pt. 2,] p. 352); though he cannot make them believe, yet he may make them hear. Parents may and ought to do thus much, and why not magistrates then? (Ex. 20:10) Though they cannot compel them to grace, yet they may to the means of grace. The magistrate is... God’s sword-bearer, he must not bear or wear it for a show (Rom. 13:4)...” *Beauty of Magistracy*, verse 1, use 2, [observation 7](#), pp. 77-78.

So it is found approved in Scripture:

“Then the king sent and gathered together all the elders of Judah and Jerusalem. And the king went up into the house of the Lord, and all the men of Judah, and the inhabitants of Jerusalem, and the priests, and the Levites, and all the people, great and small: and he read in their ears all the words of the book of the covenant that was found in the house of the Lord.” (2 Chron. 34:29-30)¹⁴²

Rutherford clarifies:

“1. The magistrate may compel to the means and external acts of worship, and to desisting from external false worship of the false god, or of the true God worshipped in a false way; he cannot compel to internal acts of faith, love, and such like, as having no power over the conscience.

...

5. The compelling power of the magistrate is terminated upon external worship as abstracted from either hypocrisy or sincerity in worship.”¹⁴³

All persons ought to do all within their responsibility and power for the salvation of those around them, including the magistrate in preparing the way of the Lord. But creatures are only able to do that much: it is the Holy Spirit alone who can and will effectually persuade and draw sinners to the Savior according to his sovereign pleasure through the Word. We are to give Him free course.

¹⁴² In this example the king is reading the words of God’s Law himself to the people, insofar as that Law had been previously civilly established in the nation.

¹⁴³ Rutherford, *Due Right*, pt. 2, [Appendix](#), p. 352. The role of fathers is the same: they may compel their children to a hearing of the gospel, which is not conditioned on whether the children be sincere or hypocritical in their obedience. Rutherford: “The magistrate cannot compel men to believe but as Junius says (*Controversy 1 Contra Bellarmine [of the Word of God Written & Not Written]*, bk. 3, ch. 6 [in *Operum Theologicorum* (Geneva, 1607), vol. 2, [cols. 490-93](#)]), he may compel men to profess belief, but not to believe, he may compel to the external means, not to the end. 2. The magistrate (as Voetius says, *Desperata Causa Papatus...* [(Amsterdam: 1635)], bk. 2, section 2, [ch. 12 \[pp. 186-191\]](#)) [1.] may compel by removing impediments, as idols and false teachers and authoritatively. 2. compel to the means.” *Peaceable & Temperate Plea*, [ch. 9](#), p. 111.

Though Christianity may not be propagated by the sword,¹⁴⁴ yet Christianity may be confirmed by civil magistracy (the arm of God the Creator) where it is present.¹⁴⁵ Hence, if the people receive their offered Savior, and show themselves to be willing in the day of his power (Ps. 110:3), so in accord with the people's consent, Christianity may be civilly established for these Christian people. Marshall:

“...When people have declared themselves to be a willing people, and profess to embrace the Lord and his ways, then may the magistrates engage them by covenants, stirring them up in a moral way: thus did the godly kings of Judah, though they compelled none to become proselytes, yet when they were become such, they engaged them as well as other Israelites, by oaths, covenants, curse, to walk worthy of the Lord...”¹⁴⁶

IV. How Christianity May & Should be Established in a Nation

Circa Sacra is Not Necessary to the Essence of the Church,
but it is Necessary to the Full Well-Being of the Church

Kings countenancing and supporting the Church in accord with the Reformation doctrine of *circa sacra* is not necessary to the being, essence or growth of the Church, as is seen in the book of Acts. In fact, Christ can and will build his Church against all government opposition as He sees fit (Mt. 16:18; Ps. 2:8-12). However, the magistrate removing all civil disturbances and impediments to the Church, and supplying her with

¹⁴⁴ Guy de Bres, ‘[That no man ought to be compelled to believe by force](#)’ in *The Staffe of Christian Faith Profitable to All Christians...* (London: Iohn Daye, 1577), pp. 347-67; Rutherford: “We teach not that the prophet ought to compel any, nor that the sword is an ordinance of God to convert oppressors and murderers to turn meek and righteous judges; co-action by fire and sword in Old or New Testament can convert none to Christ; the word and the Spirit must ever do the turn: [but] by accident God can change the nature of the rod and sanctify it to Manasseh, for to bring him to humiliation and repentance.” *Free Disputation*, [ch. 26](#), p. 341.

¹⁴⁵ Rutherford: “Again ‘religion’ is taken for the external profession and acting and performances of true religion within the Church, or by such as profess the truth, that are obvious to the eyes of magistrates and pastors, and thus the sword is no means of God to force men [who are not professing Christians] positively to external worship or performances.” *Free Disputation*, [ch. 4](#), p. 49.

¹⁴⁶ Marshall, *Power of the Civil Magistrate*, [p. 8](#).

civil peace and every natural and civil advantage to the accomplishment of her spiritual mission,¹⁴⁷ is, in the words of Samuel Bolton:

“very conduceful, and apprimely [to a high degree] requisite to the well-being and flourishing condition of the Churches of Christ in peace and godliness. This the apostle intimates, in 1 Tim. 2:2 where he exhorts us to pray for kings and them in authority, that we may lead a quiet and peaceable life, in all godliness and honesty.”¹⁴⁸

Bolton went on to rightly say that the magistrate using his power unto the good of the Church is “necessary by God’s ordination,” or, by God’s ordained purpose and commandment respecting civil government, as “God has ordained magistracy to be the fence of his Churches, the protection of his people.” In fact, the establishment of Christianity by magistrates has been prophesied in Scripture, that when it comes about, it will be a blessing and glory to the Church (Isa. 49:23; 60:3,5,10,16,18). Hence, Bolton continues:

“it is our special duty to pray for such in the want [lack] of them, and in the enjoyment of such to rejoice under them, and bless God for them, as the highest outward privilege the Churches of Christ can enjoy on earth.”

The Magistrate’s Duty to Procure Wholesome Religion for his People

The magistrate, being a part of creation, and being over the community of people, has the obligation under the natural and moral laws of God to civilly procure¹⁴⁹ and

¹⁴⁷ Gillespie, *111 Propositions* #46, 72, 94, 95 & 101; “They are both of them mutually aiding and auxiliary each to other; magistracy strengthens the ministry, and the ministry strengthens magistracy.” *Aaron’s Rod*, bk. 2, ch. 4, p. 86.

¹⁴⁸ Bolton, *Arraignment of Error*, p. 328.

¹⁴⁹ Heidegger (emphasis original): “Concerning the power and custody [*cura*] of the magistrate about [*circa*] religion, it needs pertain *unto to raising up* religion, as he may not bear formal ecclesiastical power about [*circa*] religion, because this wholly spiritual power has been given by the token of the keys to the Church alone; and that power of the magistrate must be that much less lordly as it pertains unto Christ alone *to set forth law* (θεσιν) (in religion); for the magistrate is able, and indeed is bound to do, through the power yielded to him from God, all that by which Christ and his Kingdom is served, even as he is able to

provide the people with wholesome religion (Isa. 49:23; 1 Tim. 2:2). The analogy commonly used by the reformed to illustrate the relevant distinction remaining between the civil and ecclesiastical powers in this procuring arrangement was that of the Scriptural prophecy in Isa. 49:23 of a nurse-father. The adopting father himself does not nurse the baby, but rather he oversees that a wet-nurse provide the baby with wholesome milk. This responsibility of the father, in fact, is over and common to all the other persons in his family (or other servants) whom he is responsible for in seeing that they do their duties in the house, for the welfare of all, according to their specific duty. Rutherford:

“...for in a large and unproper sense, the nurse is a sort of deputy under the nurse-father, the father may take care that the nurse give milk, and wholesome milk to his child, yet cannot the father give milk himself. The king may take care, *actu imperato* [by means of a commanded act], as one intending, in a kingly way, that Christ’s body be edified, that the priests and prophets feed with knowledge the Church and sister of Christ; and so are the priests under the king and at his command to feed, and to feed with wholesome food the flock; and in obedience to the king all are to do their duty, and his care is universal over all, and his end [is] universal.

That which is the end of pastors, doctors, elders, deacons, lawyers, judges, etc. is, in an universal intention, the king’s end, even God’s honor, by procuring in a regal way, that all do their duty in keeping the two

augment the same.” *Medulla Medullae*, pp. 253-54, note the differences from the less ideal translation in *The Concise Marrow*, trans. Carmichael (RHB), p. 199; Rutherford: “The ruler is (Rom. 13:4) the minister of God to thee for good... then look how far good and well doing, which is praiseworthy, extends, as far does the intrinsical end of magistracy reach; but this good and well-doing which the magistrate as the magistrate procures, is not only a natural happiness and the quiet life of a civil society, but also the good and well-doing of Christians as Christians, to wit, public praying, praising, preaching, hearing of the Word, religious administration and receiving of the sacraments, all which the king as king is to procure; for whatever good external pastors as pastors do procure, that same also, but in a civil and coactive way, is the king as the king to procure, and therefore his end as king is godliness and eternal life, but he is busied about this end after a far other and more carnal way than the pastor...” *Due Right*, pt. 2, [Appendix](#), p. 394.

Tables of the Law, and so is he the great politic-wheel¹⁵⁰ moving by his royal motions all the under wheels toward that same end.”¹⁵¹

Magistrates have the Power to Call Church Councils

As the civil magistrate has no power *in sacra* (in spiritual things as they are spiritual), so there is no ordinary way for the civil government to determine, of itself, Christian doctrine or Church government, and to civilly establish and enforce it. For this, he needs those with the keys of doctrine and Church-order, namely Church government. As it is part of the calling of ministers and the Church to instruct in doctrine all those who reasonably desire to be so instructed (Acts 10:32-34), so the Church has an obligation to instruct the magistrate if he so desires this.¹⁵² The magistrate having a need for this instruction as it relates to civil and political affairs, thus has natural warrant to externally call a Church synod to so meet for the purpose of informing him, according to their office and duty, of Christian doctrine and practice from the Word of God.¹⁵³ The Church then

¹⁵⁰ On the magistrate having a universal, architectonic power about the commonwealth, though improperly about the Church, see: Hommius, *70 Theological Disputations*, disputation 30, pp. 169 (mid) & 173 (mid); Trigland, *On the Civil & Ecclesiastical Power*, ch. 9, pp. 179 (bot) - 181 and the whole chapter; Apollonius, *Royal Majesty about Sacred Things*, p. 5 (top); Voet, *Ecclesiastical Politics*, vol. 1, bk. 1, tract 2, ch. 3, p. 150 (mid); Turretin: “XVII. Although political, external and objective power in reference to sacred things presupposes a formal, proper and intrinsic ecclesiastical power and the exercise of it; still in its kind it is always first and antecedent (yea, even alone, if we wish to speak accurately) because the other public, supreme and architectonic power does not precede or attend or follow it, but only the subjection and obedience of all citizens; and the subordinate and ministerial power of the political officers follows and accompanies it.” *Institutes*, 3.321; Johann Schweizer, *Political Theses on the Magistrate about [circa] Sacred Things* (Zurich, 1695), theses XI-XII; Heidegger, *The Marrow of Christian Theology: an Introductory Epitome of the Body of Theology* (Zurich, 1713), ch. 27, section 51, p. 354 (bot).

¹⁵¹ Rutherford, *Due Right*, pt. 2, Appendix, pp. 441-42. This does not formally bring ministers under the civil power, as though they derived their power from him. Rutherford explains: “It is one thing for ministers to preach sound doctrine, and administrate the sacraments in obedience, and at the king’s commandment, which we acknowledge a truth, and [it is] another thing for ministers to preach in the name and authority of royal Majesty, as having a calling from him: this latter is false: as the king may do an act of justice at the direction of a minister, commanding him in God’s name to execute judgement impartially: yet the king does not an act of justice in the name and authority of the Church.” *Ibid.*, p. 441.

¹⁵² Scottish 2nd Book of Discipline, ch. 11: “15. We deny not, in the meantime, but ministers may and should assist their princes, when they are required, in all things agreeable to the word, whether it is in council or parliament, or otherwise;”

¹⁵³ If there are dissensions in the Church (as there are in modern nations today), the magistrate may out of the discernment of conscience, call only the evidently sincerer, godly ministers, per Scripture: 2 Chron. 15:8-15; ch. 23 (see Rutherford, *Due Right*, pt. 2, Appendix, pp. 412-13).

elicits and exercises its powers *in sacra* and so informs the magistrate of the teachings of Christianity, including that of Church government.

This doctrine (in accord with the light of nature) that the magistrate may (with sufficient natural warrant) call and command Church assemblies for counsel, though left out of the American version of the Westminster Confession of Faith,¹⁵⁴ yet was faithfully taught from Scripture by the original Westminster Confession of Faith (1646). Look up the proof-texts.¹⁵⁵ This was the consensus of the Reformation and puritan ages¹⁵⁶ according to the Word of God. It was also how the Westminster standards came to be: The English, civil Parliament called together an assembly of divines¹⁵⁷ (Westminster) to

¹⁵⁴ In chapters [23](#) & [31](#).

¹⁵⁵ 23.3, "The civil magistrate... hath power to call synods, to be present at them, and to provide that whatsoever is transacted in them be according to the mind of God. (2 Chron. 19:8-11; 2 Chron. 29-30; Matt. 2:4,5)." 31.2, "As magistrates may lawfully call a synod of ministers, and other fit persons, to consult and advise with, about matters of religion; (Isa. 49:23; 1 Tim. 2:1-2; 2 Chron. 19:8 to the end; 2 Chron. 29-30; Matt. 2:4,5; Prov. 11:14)."

¹⁵⁶ Theodore Beza, *The Iudgement of a Most Reuerend & Learned Man from Beyond the Seas Concerning a Threefold Order of Bishops...* ([London, 1585]), [3rd Question, 'Whether the King or the Bishops are to Call the Assembly of the Church...'](#); Beza & Faius, *Propositions & Principles of Divinity*, [ch. 78](#), p. 260; Zanchi, *Confession of Christian Religion*, [ch. 26](#), p. 249; William Whitaker, '[Secunda question, A quo et cuius autoritate cogenda sunt Concilia](#)' in *Praelectiones... In quibus tractatur Controversia de Concilijs contra Pontificios, imprimis Robertum Bellarminum Iesuitam, in sex Quaestiones...* (Cambridge, Iohannes Legat, 1600), pp. 27-54; Wolleb, *Abridgment of Christian Divinitie*, [p. 228](#); Henderson: "They also may and ought to call assemblies of the Church when the case of religion does require, preside as civil presidents, and examine Church-constitutions, not only as they are Christians for satisfying their own souls, but as magistrates for the good of the people." 'A Sermon Preached To the Honorable House of Commons, At their late solemn Fast, Wed., Dec. 27, 1643' (London, 1644), [p. 21](#); Rutherford, *Due Right*, pt. 2, [Appendix](#), pp. 412, 418, 435; "Whereas he proves emperors and kings to have a power to convocate councils; it has not strength against us, all our divines teach so." *Divine Right*, [ch. 26](#), p. 584; *Survey of the Survey*, bk. 4, [ch. 12, 'Of the Magistrate's Power in Convocating Synods'](#), pp. 486-502. Fergusson, *Brief Refutation*, [section 3](#), pp. 105-6; Bolton, *Arraignment of Errour*, p. 321; Dickson, *Truth's Victory*, [ch. 23, question 6](#); Johannes Braun, *The Doctrine of the Covenants, or A System of Didactic & Elenctic Theology* (Amsterdam, 1691), [Locus 23, ch. 30, p. 677](#) (mid). See also, '[That the Magistrate may Preside Civilly in Church Assemblies](#)' on the webpage, 'On the Civil Magistrate's Just Authority for Restraining the Congregating of Citizens, even the Church...'

¹⁵⁷ Even the sincerer and more notable English Arminians and Erastian divines were called, though many declined; the majority consensus of the divines prevailed. If such were to occur in America, the sincerer and better part of American, Christian divines ought to be called, which would produce a confession and other documents that that body of divines could agree upon according to the Word (till further reform according to the Word could be made). This would ensure that the outcome would not be forced upon the people, but would be inline with the consent of the populace. This principle, of an indigenous Christianity being established, so far as it can be according to the Word, was carefully protected by the Scots in England at Westminster: "Much has been made by historians of the Scots 'forcing' their austere brand of religion upon their English brethren. However, it is clear that Scottish commissioners were aware their role was limited to advising only and that the construction of the Church rested with English members of the Assembly. Indeed, the Westminster Assembly did invite the Scottish commissioners to become full members of the Assembly, an invitation which the Scots declined, thereby

produce a Christian confession and a form of Church-government which it might civilly establish. To call this Erastianism (which the Westminster Confession of Faith is contrary to), as many reformed persons do today, when the State only acts *circa sacra* and does nothing *in sacra*, is simply a display of ignorance.

The power of the magistrate to call Church councils in no way takes away from the intrinsic power of the Church herself to also call her own Church councils in a moral way.¹⁵⁸ When the Church of Scotland adopted the Westminster Confession in 1647, she clarified with greater accuracy according to the light of nature and the Biblical proof-texts, in what understanding she was receiving the dictates of the Westminster Confession about the calling of Church assemblies.¹⁵⁹ It should also be noted, that though the civil magistrate has the ability to call Church councils, he has no ability to close them apart from legitimate and sufficient civil reasons. That is, if civil conditions remain ordinary and peaceable, only the Church can close her own assembly when her work,

recognising and respecting England's right to define its own church government... The Scots fully encouraged the English to set up a classical Presbytery based on English tradition and encouraged compromise [or rather a principled accommodation to the Independents]. In response to [the Independent] Philip Nye's sharp accusation that the Scots had 'given' the Assembly a whole system of church government, the Scottish members responded that 'we were well content the Assembly should take their own order, and not tie themselves to ours.'" Kirsteen M. MacKenzie, *The Solemn League & Covenant of the Three Kingdoms & the Cromwellian Union, 1643-1663* (Routledge, 2018), ch. 1, pp. 37-38.

¹⁵⁸ Scottish 2nd Book of Discipline, [ch. 12.8](#): "The national assemblies of this country, called commonly the general assemblies, ought always to be retained in their own liberty, and have their own place; with power to the kirk to appoint times and places convenient for the same; and all men, magistrates as well as inferiors, to be subject to the judgment of the same in ecclesiastical causes, without any reclamation or appellation to any judge, civil or ecclesiastical, within the realm."

¹⁵⁹ "It is further declared, That the Assembly understandeth some parts of the second article of [the thirty-one chapter](#) only of kirks not settled, or constituted in point of government: And that although, in such kirks, a synod of Ministers, and other fit persons, may be called by the Magistrate's authority and nomination, without any other call, to consult and advise with about matters of religion; and although, likewise, the Ministers of Christ, without delegation from their churches, may of themselves, and by virtue of their office, meet together synodically in such kirks not yet constituted, yet neither of these ought to be done in kirks constituted and settled; it being always free to the Magistrate to advise with synods of Ministers and Ruling Elders, meeting upon delegation from their churches, either ordinarily, or, being indicted by his authority, occasionally, and pro re nata [as the circumstance arises]; it being also free to assemble together synodically, as well pro re nata as at the ordinary times, upon delegation from the churches, by the intrinsical power received from Christ, as often as it is necessary for the good of the Church so to assemble, in case the Magistrate, to the detriment of the Church, withhold or deny his consent; the necessity of occasional assemblies being first remonstrate unto him by humble supplication." 'Act approving the Confession of Faith' in *Westminster Confession of Faith* (Glasgow: Free Presbyterian Publications, 2001), 17.]

determined by her, is done; the magistrate has no power to obstruct the spiritual work of her office.¹⁶⁰

The magistracy receiving Christian teaching in this way from the Church, may judge of its accuracy and truthfulness from its own conscience,¹⁶¹ as one being instructed by Christian teachers who have the office in the matter. If he is so approving¹⁶² of the confession and form of Church government as in accord with the Word of God,¹⁶³ and he

¹⁶⁰ This was a hot-point of contention in the early 1600's and the 1690's, as Erastian leaning kings of England differed with the Church of Scotland on this.

¹⁶¹ Bolton: "...the magistrate is to act knowingly, that is, he is to act from the certainty of faith, though [it be] not from fullness of knowledge [as a scholar or minister]: 1. He is to be fully persuaded that what he opposes is an error; 2. That it is such an error as is the object of his power to suppress; and, 3. That he does a thing pleasing to God in the suppressing of it. And this certainty of knowledge will be sufficient to enable a man to act in this nature, though there want fullness of knowledge." *Arraignment of Errour*, p. 334.

¹⁶² If he has scruples or is not so approving, he may command the Church council to re-examine their determinations in light of his theological objections till his conscience is satisfied or he does not civilly enact that part of the Church determinations (as occurred with parts of the Westminster Confession by the English Parliament). See Gillespie, *111 Propositions*, #91, 92, 93. If he finally does not approve, the Church determinations yet remaining binding upon the Church ecclesiastically. Calderwood: "...the Church may entreat, determine, and strengthen her decrees and constitutions with ecclesiastical censures and punishments, notwithstanding the prince will not assent, approve, ratify the canons of the Church, nor confirm them by his laws, and fortify them with temporal punishments." *Altar of Damascus*, ch. 1, p. 15. Fergusson, *Brief Refutation*, section 3, p. 106.

¹⁶³ Contra the Papists who required blind obedience of magistrates to enforce what the Church decreed, whether they saw it to be inline with the Word of God or not. See the section, '[That the Magistrate is not to Blindly Obey the Church in Enforcing in Sacra Matters Civilly by Circa Sacra in an Established Christian Nation](#)' on the webpage, 'On Implicit, or Blind Faith & Obedience' at ReformedBooksOnline.com. McWard: "That the magistrate may and ought to add his civil sanction and confirmation to such canons and constitutions as are ministerially cleared and concluded by Church-judicatories: Neither is he to do this *implicita fide* [in implicit faith], but may judge of them, not only *judicio apprehensivo et discretivo*, 'by understanding and discerning' these canons in themselves, but also *discursivo et deliberativo*, 'by cognoscing', if they be agreeable to the Word of God and sound reason; in which case he does (as a learned divine says) *judicare* [judge], but not *judicem agere* [work judgment]: But of these canons and conclusions he has not power to cognosce & determine *judicio definitivo, decisivo* or *legislatorio* [by a defining and legislating judgment], except only in reference to his own act of ratifying and corroborating them by his civil sanction." *The Banders Disbanded*, p. 44.

has the will of the people,¹⁶⁴ he may civilly sanction these things by his authority.¹⁶⁵ This action involves a civil professing, promoting and protecting these teachings and practices of the true religion, while civilly penalizing and excluding that which goes against the teachings of Word of God so recognized and established with the consent of the nation.

Such a consent of the people, whether it comes through the nation covenanting together unto these ends or otherwise, is, by definition, at least an external professing of the Christian faith; hence all the people are now, by definition, part of the visible Church of Christ¹⁶⁶ and ought to be baptized (if they have not been before).

¹⁶⁴ In ordinary circumstances it ought to come by a prior consent of the people, but a concomitant, or *ex post facto* consent may also be moral. Cobbet: "Conclusion : That in all matters of religion or of the Church, the laws which civil authority do establish, they must establish them by, and with, the consent of the people, either in themselves or their representatives, this strengthening their political laws, that they bind *Scientes et Volentes* [knowingly and willingly]. As Asah willing to make a binding capital law about religion, by his authority he summons the people, with whose consent it is made, 2 Chron. 15:9, 'He gathered all Judah and Benjamin... and they decreed that,' verse. 13, 'that whosoever would not seek the Lord should be slain.' So Jonah 3:5, it's said, the people believed the Lord and proclaimed a fast, but verse 7, that business of the decree for the fast is applied to the king as his act, by the consent of the nobles or chief heads of the people, and so representing the people; by the light and Law of Nature these pagan Ninevites learned this to be an orderly way of making such like decrees in such like matters of religion itself; whence also was that course taken in the case of a coercive law to be made about a business of religious worship, for the matter of it (although in the form of that worship to be decreed of, it were devilish), it is to be made by the representative estates of the Persian kingdom, which being a kingdom, was then to be established by the king, Dan. 6:7-9, 'The rulers of thy kingdom, the officers and governors, the counsellors and dukes have consulted together to make a decree for the king, and to establish a statute... Now O king, confirm the decree...' When Jehoshaphat was to make that order about the particular matter of religion, he consults with the people, 2 Chron. 20:21, 'And when he had consulted with the people, he appointed singers unto the Lord...' *Civil Magistrate's Power*, pp. 68-69. For further on this principle, see the webpage, '[...that Authorities are Not to Act or Require Something without a Naturally, Morally or Spiritually Sufficient Reason, & that Manifest to Consciences](#)'.

Calderwood: "...by a parliament we understand the highest court and supreme judicature civil, meddling only with civil matters, or with matters of religion civilly, as, to add the civil sanction, and to ratify by civil authority what has been put in canon by the kirk before..." *Pastor & the Prelate*, Part 6, [p. 121](#).

¹⁶⁵ Explain consequent. Explain that a Church council is not necessarily needed: Gillespie, pt. 3, p. 145, magistrate may enact such things without a council, but with ministerial advisors. Also Beza & Faius, *Propositions & Principles of Divinity*, [ch. 76](#), p. 250.

¹⁶⁶ WCF 25.2, "The visible church, which is also catholick or universal under the gospel (not confined to one nation, as before under the law), consists of all those throughout the world that profess the true religion,[b] together with their children;[c] and is the kingdom of the Lord Jesus Christ,[d] the house and family of God,[e]... [b] 1 Cor. 1:2. 1 Cor. 12:12,13. Ps. 2:8. Rev. 7:9. Rom. 15:9-12. [c] 1 Cor. 7:14. Acts 2:39. Ezek. 16:20,21. Rom. 11:16. Gen. 3:15. Gen. 17:7. [d] Matt. 13:47. Isa. 9:7. [e] Eph. 2:19. Eph. 3:15."

Objection:

What if the Magistrate's Conscience is Wrong?¹⁶⁷

Will Not the True Religion be Suppressed?

This objection has less force in it than what it appears to present: What if the magistrate errs in conscience in making civil laws? This happens not infrequently. The people simply have to suffer under it if they are not able to reform the civil laws. However, is this a reason why making civil laws should be altogether prohibited? Is it better to have civil laws keep order in a nation, though a minority of them are unreasonable, or to have no civil laws at all?

The establishment of Christianity in the land does not ride simply upon the personal beliefs of the civil magistracy (as often civil laws do). The magistrate has no jurisdiction *in sacra* about what the synod of the Church defines to be rightly taught from God's Word. The religion that the magistrate is able to civilly protect, or not, is only that which is defined and presented to him by the synod of the Church.

The real question, then, is whether the synod of the Church errs to any degree or not. If it does, the magistrate may civilly establish everything but those errant points. If the synod does not err, though the magistrate believes it does at certain points, the magistrate may civilly establish everything but those controverted points. Still, all that is civilly established is the Word of God insofar as it is agreed upon mutually between the synod and the magistrate. In addition to this, as another check to tyranny, the magistrate, as the head and representative of his people, ought to confirm that he has the will of the people with him in these things,¹⁶⁸ as instructed by the Word of God.

¹⁶⁷ On this question, see the excellent answers by Marshall, *Power of the Civil Magistrate*, p. 9, and Gilbert, *The Libertine School'd*, pp. 12-14; see also Leigh, *Body of Divinity*, bk. 9, ch. 6, p. 834; Durham: "This does not give way to magistrates to condemn and restrain what they think error, or what others think error; for ministers that ought to reject heretics are not warranted to reject whom they account so, but who indeed are so; So is it here, it is what is indeed error, and who are indeed the teachers thereof, that the magistrate is to restrain as those who teach rebellion against the Lord." *Dying Man's Testament*, pt. 3, ch. 14, p. 249.

¹⁶⁸ George Lawson: "Yet they must be sure they establish nothing in religion which is not clearly agreeable to the Gospel. For, as it is unlawful for any civil powers to establish by law anything in religion contrary to the Gospel, so it's no ways tolerable to bind the subjects, upon civil penalties, to profess things doubtful and needless." *Theo-Politica, or a Body of Divinity Containing the Rules of the Special Government of God...* (London: J. Streater, 1659), scheme 2, ch. 9, p. 196.

A Church synod erring (not an unheard of occurrence) may be corrected by future Church synods who are able to reform more carefully according to the Word of God. At that point, the more accurate teaching according to the Word may be presented again to the magistrate to be civilly established.¹⁶⁹ If the magistrate errs in his recognition of the matter,¹⁷⁰ besides requesting more instruction from the Word of God until his conscience may be satisfied by the Christian teachers, a magistrate coming after him, able to perceive more rightly according to the Word of God, may civilly establish those points at that time.

If both the Church and the magistrate err, and actually civilly establish some errant points against the truth: yet, not only will there be further opportunity to reform according to the Word of God as the Holy Spirit so brings reformation, but there is still a large part of the good and true Christian faith that is civilly upheld and protected for such a Christian people.¹⁷¹ To err on secondary matters is not good,¹⁷² but the foundations may still be solid. That persons, and those in office, err, is inevitable in this life;¹⁷³ but it is better to err a bit beside the truth than that the whole of the truth of God and of his religion be left to every civil neglect, disturbance, impediment and opposition.¹⁷⁴

¹⁶⁹ For instance, the Scottish Confession of Faith (1560) was replaced by the Scottish civil magistrate in 1647, at the impetus of the Church, with the fuller and more detailed Westminster Confession of Faith.

¹⁷⁰ McWard: "...there is a difference also between a formal rescinding of Church-decrees and a civil command not to give obedience to these decrees; the magistrate has the latter not the former." *The Banders Disbanded*, p. 45.

¹⁷¹ This was in fact the case with the establishment of the 39 Articles in England in the Post-Reformation era: they do contain some errors, but on the whole, the establishment of a great body of Christian truth is much better than none at all. In the midst of it, the puritans sought to reform the establishment according to the truth of God.

¹⁷² Bolton: "Certainly this power may be lawfully used, and it may as sadly and as dangerously be abused: It is lawful to suppress some errors, but it is fearful to lend the sword to the suppression or extirpation of any truth. It is better not to do than to do wickedly." *Arraignment of Errour*, p. 329.

¹⁷³ Gilbert: "Question 3. Whether they that would force other men's consciences be willing to have their own forced? Answer: No man may or can force another man's conscience; but the magistrate is bound by his office as the Lords Deputy, to oblige and force the external man to the observance of God's will manifested in his written Word, though he be unwilling and pretend conscience. Besides the former proofs clearing this, see 1 Kings 18:40-41, etc., though Baal's priests pleaded conscience for idolatry, yet were they put to death by Elijah's command, which execution was attended with special blessings. John 16:2, They that plead conscience for putting Christians to death, it excuses not, but they should suffer for it [the crime], according to that indispensable law, Gen. 9:6." *The Libertine School'd*, pp. 2-3.

¹⁷⁴ Cobbet: "Objection: Yea, but civil authority may be corrupt. Answer: True says, Rev. Mr. Beza (*Lib. de Haereticis Magistratu Puniendis*), for the Church's suffering for sins provoking to that judgement, and for trial for such as are godly; but in the mean space (says he) for fear of tyranny to spoil the magistrate of one chief part of his jurisdiction, and leaving the ordinary remedy to look for an extraordinary one is not good..." *Civil Magistrate's Power*, p. 58.

Further, Scripture gives an occurrence of a magistrate civilly establishing idolatrous religious practices in the person of Jeroboam, the first king of Northern Israel. He, however, did not receive God's religion at the hands of God's appointed priests (those with the office), but rather, as an Erastian, made up the *in sacra* practices himself. What were faithful northern Israelites to do but to either suffer under it (as the faithful 7,000 that did not bow the knee to Baal), or seek a magistracy that upheld the pure religion, such as southern Judah? What if there is no place to go, and one's own government civilly upholds, protects and promotes false religions in its land and has made certain laws contrary to Christianity, such as is the case with America? There is only one way forward: to reform according to the Word of God.

V. The State's Authority *Circa Sacra* in an Established Christian Nation

In a magistrate enforcing Christian laws in an established Christian nation, he is enforcing no more¹⁷⁵ from the Word of God (and both Tables of the Moral Law) than what the people have committed (or vowed)¹⁷⁶ themselves to already. Rutherford explains:

"3rd Conclusion: Where a nation has embraced the faith, and sworn thereunto in baptism, it is lawful for the magistrate to compel them to profess that truth to the which they have sworn in baptism: 1. Because

¹⁷⁵ As God and his Word requires all obedience from the Christian, in whatever the Lord speaks, and this is implicitly assented to in any profession of the Christian faith, so professing Christians are obliged to walk in all the ways of the Lord that the Lord reveals, as it comes to them in the way of instruction. Lawson: "If all the subjects in a State profess themselves Christians, they cannot have any just cause to complain of their rulers, if by a law they be commanded to make that Christian faith which is truly and plainly Christian. They are bound unto it by the laws of Christ, by their own profession, by the laws of their country." *Theo-Politica*, scheme 2, [ch. 11](#), p. 196.

¹⁷⁶ Rutherford: "If they [non-Christian peoples] join with us in one religious covenant, and we swear with our lives and goods to defend one another, we may cause them [to] stand to the oath of God they were under. As Asa compelled not only Judah, but those of Israel that fell in to him to stand to the oath; for the covenant, when it is mutual, gives reciprocation of rights to each kingdom over the other. For if he that makes a promise to another, much more he that swears a covenant to another, makes over a right to the other, to plead for the fulfilling thereof... this is clear in the king's covenanting at his coronation with his people and the people with the king... If this were not, the nerves of all societies and lawful confederations between man and man, nation and nation should be broken. 2. *Omne promissum cadit in debitum*, 'promise becomes debt', and so does a covenant." *Free Disputation*, [ch. 21](#), pp. 250-51.

the magistrate is a keeper of both Tables of the Law. Therefore, he may take care that these who are baptized, and sworn to be followers of Christ, should profess what they have sworn to profess.”¹⁷⁷

The magistrate has the civil power and responsibility to compel persons to keep their vows, whatever they be. Thus the magistrate, simply from his responsibility about civil things, may and should civilly hold persons to their profession in baptism of Christian faith and walking, especially in backsliding times.¹⁷⁸

This principle is the assumption behind the London ministers below, and many other works on *circa sacra*, arguing from Scripture examples in the histories of Israel: All of the Jews had been circumcised unto God, and their very civil polity (which they had implicitly given their consent to by their *de facto* living in accord under it) obliged them to walk in the statutes of the Lord. Those Scripture examples of a godly Israeli king compelling his people to walk in the ways of the Lord do not directly apply to non-Christian peoples.

Instructed Consciences

Such a civil enforcing of Christian laws also assumes that the people have been instructed in the right reasons for them and may see that they are in accord with the Word of God.¹⁷⁹ This was the path not only of Jehoshaphat and Hezekiah (2 Chron. 17:7-10 &

¹⁷⁷ Rutherford, *Due Right*, pt. 2, [Appendix](#), p. 354.

¹⁷⁸ Durham: “In recovering a people in a reeling and staggering time, a magistrate may engage them to formerly received truth, and interpose his authority for this end, as is recorded of Josiah, 2 Chron. 34:31-33.” *Dying Man’s Testament*, pt. 3, [ch. 14](#), pp. 252-53. Such a backsliding time of apostasy is the case for Scotland, which remains morally bound by her previous national covenants. How ought the magistrate to reform in such a nation? In the same way that the godly kings of backsliding and apostate Judah did.

¹⁷⁹ Bolton: “This power is to be dispensed knowingly: not only rightly, but knowingly. We have no altar to the unknown God; blind worship and ignorant service is a sinful service; though you do not sin in the matter done, you may do rightly, yet you sin in the manner of doing, if you do not do it knowingly; that Word that has put power into the hand of the magistrate must be his light and guide in the managing of it. It is a high abuse of this power to exercise it rashly and inconsiderately; with what reason or religion can others be commanded to the obedience of that which we ourselves have not the clear and undoubted demonstration is of God. If it be required that we are to be fully persuaded in our own mind before we do, much more is it requisite that there should be a full persuasion, a clear evidence from the Word, before we do command others to do, lest we be partakers of others sins and in this run the hazard of opposing God.” [Arraignment of Errour](#), p. 331.

29:4-11), but also even of the pagan Artaxerxes in establishing the true religion (Ezra 7:21,25-27).¹⁸⁰ A principle of Christianity, reformed according to the Word of God, is 'That the Mere Will, Determination, Judgment or Saying So of Authorities is an Insufficient Ground of Faith & Obedience, & that Authorities are Not to Act or Require Something without a Naturally, Morally or Spiritually Sufficient Reason, & that Manifest to Consciences'. All blind obedience and oppression is to be eschewed. Rutherford clarified:

"Yet my sense is not that the magistrate can lawfully command obedience in matters of religion not understood or known by the subjects; that were to exact blind obedience; but my meaning is, that the magistrate as the magistrate holds not forth his commandments to teach and inform the conscience as pastors do, but he presupposes that his mandates are known to be agreeable to the Word of God, and proposes them to the subjects to be obeyed."¹⁸¹

Romans 13: Physical Coercion Against Evil Only & Promoting the Good

A basic principle of reformed political theology, sorely needed today, was that magistrates were to only use physical coercion against evil works and the omission of what is right, and not for positively forcing people unto good works.¹⁸² Though they

¹⁸⁰ "I Artaxerxes the king do make a decree... '...and thou, Ezra, after the wisdom of thy God, that is in thine hand, set magistrates and judges, which may judge all the people that are beyond the river, all such as know the laws of thy God; and teach ye them that know them not. And whosoever will not do the law of thy God, and the law of the king, let judgment be executed speedily upon him, whether it be unto death, or to banishment, or to confiscation of goods, or to imprisonment.' Blessed be the Lord God of our fathers, which hath put such a thing as this in the king's heart, to beautify the house of the Lord which is in Jerusalem."

¹⁸¹ Rutherford, *Divine Right*, ch. 24, p. 550; "...nor can it be said that Church-censures are spiritual punishments and so work on the spirit, and have instructing, rebuking and exhorting going before, but the sword is a bodily punishment and has not instructing going before. For I answer though these two punishments differ, yet they agree that formally both are alike compulsory of the conscience, and neither of them act upon the spirit by teaching and instructing as the Word does, so as excommunication of a heretic should have instructing and convincing going before, so should also the magistrate presuppose, before he strike with the sword, that the false teacher has been instructed and convinced, and so he does formally punish him with the sword for his pertinacious perverting of souls." *Free Disputation*, p. 48.

¹⁸² Rutherford: "...he [the magistrate] bears the sword against all evil doers, Rom. 13:1, [on the other-hand] the magistrate as the magistrate does only command well-doing in order to praise and a good name, or temporal reward amongst men, Rom. 13:3, 'Do that which is good and thou shalt have praise of

could, and should, command good works to be done, and could discipline for the omission of them (as a father might in a family), they were to promote good works through the praise of well-doers and the giving of other civil incentives (as likewise a father might).¹⁸³ This vital principle was derived, besides from natural law, from Rom. 13:3-4, which only gives warrant for using the sword against that which is evil, not to force the good:

“For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same: For he is the minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil.”

This principle is founded on two even more basic ethical principles: (1) Fulfilling that which is good (no matter who on this earth is doing it) is to be done freely in service unto the Lord, and is not to be physically compelled, but it is to come from a willing spirit in heart-obedience unto the Lord. (2) The Westminster Larger Catechism teaches from nature in #99.5, “That what God forbids, is at no time to be done; what He commands, is always our duty; and yet every particular duty is not to be done at all times.” The former part of #99.5 is why the (fallible) vice-regent of God the Creator on earth should physically restrain people from sin, because it is at no time to be done. The latter part of #99.5 reflects the reality that many natural and moral principles oblige us in principle at any given point in time, in the most varying circumstances, and we cannot do all ethical duties at once. In fact, it is difficult enough, often, for the individual (who knows more of the circumstances than any) to know what particular duty obliges him to specific action

the power;’ 1 Tim. 5:17; Mt. 10:10.” *Divine Right*, [ch. 24](#), p. 548; “...no more than he [the magistrate] can compel them [evil-doers] to inward fear, love, faith in God, and to the external performances thereof. But it does not follow that therefore the magistrate cannot command external acts of mercy, chastity, self-contentedness...” *Free Disputation*, [ch. 4](#), p. 54. This principle is contrary to Socialism, see the webpage, ‘[Contra Socialism, Communism, Fascism, etc.](#)’ at ReformedBooksOnline.com.

¹⁸³ Contra a significant strand of Libertarianism. See the subsection, ‘[On Promoting the Good & Social Goods](#)’ on the webpage ‘[Contra Libertarianism](#)’ at ReformedBooksOnline.com.

in any given situation;¹⁸⁴ how much more uncertain is it for a human overseer? No magistrates, nor any authorities, are to physically coerce people to doing good in fulfilling God's moral law,¹⁸⁵ precisely because God alone is the Lord of the conscience, who will have all men to serve Him willingly.

A Negative Coercion, Not a Positive Coercion

When reading reformed authors on *circa sacra* (as well as this Introduction), it is essential to remember this principle: When the authors, such as the London ministers below, speak of the magistrate exercising coercion about religion in an established Christian nation, they do not mean physically forcing people at the tip of the sword unto external acts of religion. It is true though, that if the people do not do the commanded good, the magistrate may civilly discipline them with various degrees and means for the omission of it insofar as it is civilly scandalous.¹⁸⁶ This is a negative coercion rather than a positive coercion.

This distinction (that sin and the omission of commanded good is to be physically restrained and coerced, though the good action itself is not to be positively forced) is in fact how most modern civil governments operate: If the civil government perceives that the people are morally obligated unto a certain civil good, they will give time and opportunity for that civil good to be done. If persons do not do what is good and has

¹⁸⁴ James Durham acknowledges the difficulty and gives principles for a person to help discern his particular duty in given circumstances in, *The Law Unsealed: or, a Practical Exposition of the Ten Commandments...* (Glasgow, 1676), [First Sermon, on the Preface of the Decalogue, Ex. 20:1-2](#), pp. 6-8.

¹⁸⁵ Rutherford: "We hold with Lactantius [d. c. 325] that religion cannot be compelled, nor can mercy and justice and love to our neighbor commanded in the Second Table be more compelled than faith in Christ." *Free Disputation*, [ch. 4](#), p. 50.

¹⁸⁶ Rutherford: "But the sword is a means negatively to punish acts of false worship in those that are under the Christian magistrate and profess Christian Religion, insofar as these acts come out to the eyes of men and are destructive to the souls of these in a Christian society; Tis even so (and not otherwise punishable by the magistrate) for he may punish omissions of hearing the doctrine of the Gospel and other external performances of worship, as as these omissions by ill example or otherwise are offensive to the souls of these that are to lead a quiet and peaceable life in all godliness and honesty; nor does it follow that the sword is a kindly means to force outward performances, for the magistrate as the magistrate does not command these outward performances as service to God, but rather forbids the omissions of them as destructive to man... so doth the Magistrate not directly command going to Church as a worship to God, so as his commands have influence on the conscience as the pastors' commands have, but he commands going to Church and hearing so as the omission of hearing hurts the society whereof God has made him a civil and politic head." *Free Disputation*, [ch. 4](#), pp. 50-52.

been civilly enacted, which is wrong, they will *ex post facto* (and not antecedently) receive civil fines from the government.

This was the character of how the reformed nations at the Reformation civilly enforced their laws *circa sacra*. In short, the good that citizens have consented or vowed to do according to moral law, they civilly owe; they are not forced to do it, but if they don't do it, it is a breaking of moral law, a breaking of what they have pledged themselves to do and they are liable to God's discipline and civil discipline for not doing it.

The Power to Command the Church unto her Outward, Civil Duty

It is seen in Scripture that the magistrate has the power, not simply to recommend things to the Church as a friendly counsellor on an equal par with her, but to command the Church unto her whole, outward, civil duty about religion.¹⁸⁷ As it is essential to see that this is the teaching of God Himself (in accord with the light of nature), here are several approved examples from his Word:

¹⁸⁷ Rutherford: "It is one thing for ministers to preach sound doctrine and administrate the sacraments in obedience, and at the king's commandment, which we acknowledge a truth, and another thing for ministers to preach in the name and authority of royal majesty, as having a calling from him: this latter is false: as the king may do an act of justice, at the direction of a minister, commanding him in God's name to execute judgement impartially: yet the king does not an act of justice in the name and authority of the Church. ...for in a large and unproper sense, the nurse is a sort of deputy under the nurse father, the father may take care that the nurse give milk, and wholesome milk to his child, yet cannot the father give milk himself. The King may take care, *actu imperato* [through a commanded act], as one intending, in a kingly way, that Christ's body be edified, that the priests and prophets feed with knowledge, the Church and sister of Christ, and so are the priests under the king, and at his command to feed, and to feed with wholesome food the flock, and in obedience to the king all are to do their duty, and his care is universal over all, and his end universal. That which is the end of pastors, doctors, elders, deacons, lawyers, judges, etc. is, in an universal intention, the king's end, even God's honor, by procuring in a regal way, that all do their duty in keeping the two Tables of the Law, and so is he the great politic wheel moving by his royal motions, all the under-wheels toward that same end: yet cannot the king without sin, and being like a bird wandering from her nest, do that which is properly pastoral, so that the office is not subordinate to him, but immediately from God, yet are the operations of the office, and to preach *tali modo* [in such an outward way], diligently sound doctrine subordinate to him, but in a general and universal way, as he is a kingly mover of all to keep the two Tables of the Law." *Due Right*, pt. 2, [Appendix](#), pp. 441-42, see also p. 448. More reformed resources evidencing this are under the subsection, '[That the Magistrate may Command the Church to its Natural & Moral Duty](#)' on the webpage, 'On the Civil Magistrate's Just Authority for Restraining the Congregating of Citizens, even the Church, & Quarantining...'

2 Kings 23:4, 21, 25 “And the king commanded Hilkiah the high priest, and the priests of the second order... to bring forth out of the temple of the Lord all the vessels that were made for Baal, and for the grove, and for all the host of heaven... And the king commanded all the people, saying, ‘Keep the passover unto the Lord your God, as it is written in the book of this covenant... And like unto him was there no king before him, that turned to the Lord with all his heart, and with all his soul, and with all his might...”

2 Chron. 19:8-10 “...in Jerusalem did [king] Jehoshaphat set of the Levites, and of the priests, and of the chief of the fathers of Israel, for the judgment of the Lord, and for controversies, when they returned to Jerusalem. And he charged them, saying: ‘Thus shall ye do in the fear of the Lord, faithfully...”

2 Chron. 29:1,5-11,24-25,27,30-31, 35-36 “[King] Hezekiah... said unto them:

‘Hear me, ye Levites, sanctify now yourselves, and sanctify the house of the Lord God of your fathers, and carry forth the filthiness out of the holy place...’

And they gathered their brethren, and sanctified themselves, and came, according to the commandment of the king, by the words of the Lord, to cleanse the house of the Lord... So the service of the house of the Lord was set in order. And Hezekiah rejoiced, and all the people...”

2 Chron. 34:33 “And Josiah took away all the abominations out of all the countries that pertained to the children of Israel, and made all that were present in Israel to serve, even to serve the Lord their God. And all his days they departed not from following the Lord, the God of their fathers.”

With this power to antecedently command comes a power to civilly punish upon the consequence if it is not done. Rutherford rightly inferred: “...it follows, King Uzziah might command the priests to burn incense to the Lord [2 Chron. 29:7,11], and punish them, if in this they should neglect their duty...”¹⁸⁸ The only other option, is that the

¹⁸⁸ Rutherford, *Divine Right*, [ch. 22](#), p. 491.

magistrate does not have the ability to punish by his civil power that which he has the civil power to command, which is absurd.

It ought to be noted that the magistrate, only having jurisdiction about the outward man, has no authority from the civil power itself in the inward spiritual acts of persons, to either compel them or to judge them with physical correction in how such ministerial exercises are spiritually done. Rutherford distinguished that if a magistrate commands the duty to be done with a godly sincerity of heart in faith to the Lord (as Hezekiah did: “Thus shall ye do in the fear of the Lord, faithfully, and with a perfect heart.” 2 Chron. 19:9) that this does not come from the power of the civil office itself, but only morally and suasively from the godly person in the office. The discernment and judgment of the spiritual character in which the acts are done belongs exclusively to the Church courts, as the magistrate does not have power *in sacra*.¹⁸⁹

Commanding the Substantials of Religion

It was previously noted that the magistrate’s civil power upon the material Church is two-fold, either respecting the substantials of the Church and her sacred worship, or the circumstances surrounding those things. The latter was addressed with regard to purely civil concerns. Yet the magistrate also has a civil power *about* (*circa*, not *in*) the substantials of religion and public worship ordinances. He may not ever perform or elicit these spiritual functions himself, such as preaching with Church authority, administering the sacraments, delivering spiritual censures, etc. Yet, he may command them to be done

¹⁸⁹ See this further explained and argued by Rutherford in *Divine Right*, [ch. 24](#), pp. 542-48 & 552-53. The most important distinctions are these: “1. The simple exercise of the ministerial power. 2. The just and godly, sound and laudable exercise [of it]. 3. The [plainly] wicked and corrupt exercise [of it], or the abuse thereof. 4. The peaceable exercise [of it].” p. 543. The magistrate has authority and power from his civil office about 1, 3 & 4, but Church government alone has authority and power about 2.

by those that they are proper to.¹⁹⁰ Thus, the magistrate may command Church-ministers to minister the Word according to the Word.¹⁹¹

Whether such functions are according to the Word or not may be recognized by the plain testimonies of Scripture and the magistrate's conscience in extraordinary situations, however ordinarily they are to be according to previous standards delivered from the Church (who has the office to define them according to the Word) and civilly established.¹⁹² The magistrate has no power to command the ministry to anything not

¹⁹⁰ Theodore Beza & Anthony Faius: "The magistrates also are bound (if necessity so require) to compel such as are in the ecclesiastical function unto the godly and careful performance of their duty..." *Propositions & Principles of Divinity Propounded & Disputed in the University of Geneva, by Certain Students of Divinity there, under Mr. Theod. Beza & Mr. Anthonie Faius...* (Edinburgh: Robert Waldegrae, 1591), [ch. 78](#), p. 260; Leigh: "Zanchius says there are three offices of a magistrate ([*Confession of Christian Religion* (1599), [ch. 26](#),] 'Of a Magistrate'): 1. To ordain both those things which belong to religion and the worship of God, and to public peace, honesty, and justice..." *Body of Divinity*, bk. 9, [ch. 6](#), p. 833. Brown of Wamphray: "That I be not mistaken, as denying to his Majesty his just power in ecclesiastic matters, I do humbly and with great alacrity acknowledge that the civil magistrate has a power *circa Sacra*, which power is objectively ecclesiastic, so as he, by his royal authority, may enjoin that whatsoever is commanded by the God of Heaven may be diligently done for the House of the God of Heaven; which power also is by God's appointment only cumulative and auxiliary to the Church, not privative, nor destructive, and is to be exercised always in a civil manner." *The History of the Indulgence, Shewing its Rise, Conveyance, Progress & Acceptance...* ([Edinburgh:] 1678), p. 43.

¹⁹¹ Rutherford: "Because by one and the same kingly power the king rules over men as men, and men as Christian men, commanding by the sword and kingly power that pastors preach sound doctrine, administrate the sacraments aright, that all the Church profess Christ and abstain from blasphemy and idolatry. He is the minister of God for good, Rom. 13. Therefore, he is the minister of God for all good, for a Christian good, and is a king compelling to a Christian good..." *Due Right*, pt. 2, [Appendix](#), pp. 392-93; McWard: "That the magistrate is *Custos ac Vindex utriusque Tabulae*, 'the Keeper & Avenger of both Tables' of the Law, and that as in general he is to command all within his dominions to worship God according to his own Word and do that which is just and equal, so in particular he is to command and see every one perform the duties of their respective functions and stations, and consequently ministers also and Church-officers to do the duties of their particular places, and that under the pain of civil censures and punishment." *The Banders Disbanded*, p. 44.

¹⁹² Rutherford: "The magistrate judges of these [what the true Church and ordinances are] as a magistrate, not in a pastoral way or ecclesiastically... but civilly as they are agreeable or contrary to the laws of the commonwealth made concerning religion, and in order to the civil praise and reward of stipends, wages, or benefices, or to the bodily punishment inflicted by the sword, Rom. 13:4-5. So, though the object be spiritual, yet the judging is civil, and the magistrate's power in setting up true, or pulling down false ordinances, is objectively spiritual or civilly good or ill (to speak so) against the duty, or agreeable to that which men owe as they are members of a civil incorporation, a city or commonwealth: But the same power of the magistrate is formally, essentially in itself, civil, and of this world." *Divine Right*, [ch. 25](#), p. 578.

obliging by the Word.¹⁹³ Gillespie, citing the examples of “David, Jehoshaphat, Hezekiah, Josiah and other kings among the people of God”, elucidated these things in this manner:

“Now therefore of things pertaining to the substance of God’s worship, whether they be sacred ceremonies, or greater and more necessary duties, we say that princes have not power to enjoin anything of this kind, which has not the plain and particular institution of God Himself in Scripture. They may indeed and ought to publish God’s own ordinances and commandments, and by their coactive temporal power urge and enforce the observation of the same. Notwithstanding it is a prince’s duty that in the worship of God, whether internal or external, he move nothing, he prescribe nothing except that which is expressly delivered in God’s own written Word.”¹⁹⁴

The material ordinances regarding the substantials of religion or circumstances about the ordering of the Church, as they are peculiar to the Church, must come (apart from extraordinary circumstances) through the Church courts and only be civilly effected by the magistrate consequently, as he is so approving.¹⁹⁵ Hence, there is no tyranny of the magistrate over the Church here. Gillespie concludes:

¹⁹³ Beza & Faius: “For in respect of the First Table, it is unlawful for the magistrates to invent any laws touching religion: but their duty is to see that the worship of God be understood and practiced by their subjects, as it is fully set down in the sacred books of both the Testaments...” *Propositions & Principles of Divinity*, ch. 78, p. 260; Zanchi: “...neither do we allow those magistrates, who without a sufficient knowledge in the causes, do alter religion upon their own pleasures... set down rules of religion not out of the Scriptures, but rather against the Word of God: and bear themselves, not as servants of God in the Church of God, but as lords over the churches: nor will bow their neck under the yoke of the Son of God.” *Confession of Christian Religion*, ch. 26, pp. 249-50.

¹⁹⁴ Gillespie, *English-Popish Ceremonies*, pt. 3, ch. 8, p. 139. Gillespie goes on to cite Zanchi (*Operum Theologicorum*, 1618, vol. 4, On the Decalogue, On the 4th Commandment, question 2, col. 791) and Polanus (*Syntagma*, vol. 2, bk. 10, ch. 65, ‘Of the Office of the Magistrate in Religion’, cols. 4,485-4,490) as saying, “That a Christian prince’s office in religion is diligently to take care that in his dominion or kingdom religion, out of the pure word of God, expounded by the Word of God itself, and understood according to the first principles of faith (which others call the analogy of faith), either be instituted, or being instituted, be kept pure; or being corrupted, be restored and reformed: that false doctrines, abuses, idols and superstitions be taken away to the glory of God and to his own and his subjects’ salvation.”

¹⁹⁵ Rutherford: “I think it most considerable that though the prince may by a coactive way, command that same which a Church synod may command in an ecclesiastical way, yet differs these same powers in their formal objects, because the king commands that which is good, religious, decent in God’s worship as a thing already taught and determined judicially, either expressly in God’s Word, or then by a pastoral or synodical determination, and that not by way of teaching, informing the mind, expounding the Scripture, or by pastoral dealing with the conscience, as obliging to a Church liturgy and ceremonies, as

“Now therefore we firmly hold, 1. That the prince may not innovate any custom or rite of the Church, nor publish any ecclesiastical law, without the free assent of the clergy (they being neither unable for, nor unwilling unto their ecclesiastical functions and duties): yea further, that so far as is possible, the consent of the whole Church ought to be had whensoever any change is to be made of some order or custom in the Church.”

James Fergusson, a mid-1600's Scottish covenanting minister, gives a helpful parallel analogy on how the magistrate commanding the Church ministry unto her duty in the substantials of religion, and using compulsive force for the omission of this (as well as providing civil benefits for the fulfilling of it), does in no way usurp the Churchly office nor subordinate the Church to the magistracy *in sacra*:

“We shall clear this by a simile, how the magistrate may have much power about Church-matters, although not power of governing the Church: Ye know the civil magistrate, or Church sessions, have much power about matters belonging to husband and wife, parents and children, so as to censure and punish them for their unnatural carriage towards each other and to see every one do duty to another; and yet neither the civil magistrate, nor Church session has marital or husbandly power over the wife, or parental power over the children so as they might challenge the same duties from them to be done to themselves which the wife owes to her husband, or the children to the parents; the husband and parents only have that power: So it is here, the magistrate has much power about Church matters, but he has no Church-power properly so-called; that belongs only to Christ's own officers.”¹⁹⁶

one who intends formal edification and faith, repentance and obedience to God, but the king commands that which is good and *extra*, as it is already taught and expounded, and as it is an imperated act of external worship, or mercy and justice done by a coactive power.” *Due Right*, pt. 2, [Appendix](#), p. 448.

¹⁹⁶ *Brief Refutation*, [section 3](#), pp. 107-8.

The Duty of Civilly Establishing Secondary Doctrines

As the magistrate has no power *in sacra*, he is limited (in ordinary circumstances) to what he may civilly enforce by the Christian teaching he has received from the Church. In a nation that can only agree on the fundamentals of Christianity,¹⁹⁷ he would only be able to enforce that much for the time, till further reformation could be made. Not only the Church,¹⁹⁸ but the State also has the moral and Scriptural duty of establishing the secondary truths¹⁹⁹ of Christianity for a variety of reasons:

1. States universally civilly enforce secondary ethical truths as it is, especially as they are necessary for good order, or to have near-any order at all;
2. Secondary truths derive from Scripture by good and necessary consequence, and therefore bear the authority of the Word of God, and ought to be enforced as such when agreed upon; and reformation is to be made according to the Word of God as far as possible;²⁰⁰
3. Secondary truths are “profitable for doctrine, for reproof, for correction, [and] for instruction in righteousness, that the man of God may be perfect, thoroughly furnished unto all good works,” (2 Tim. 3:16), and we owe obedience unto them according to the outward man (Ex. 24:7; 2 Kings 23:1-3);
4. Errors in secondary truths are stumbling-blocks (Rev. 2:14-15), may be inspired by demons (1 Tim. 4:1-5) and tend toward civil discord and scandals;²⁰¹ they may

¹⁹⁷ This was essentially the position and practice of many of the early American colonies and states, and the American version of the Westminster Confession of Faith; see this documented on the webpage, ‘[The Establishment Principle in the American Westminster Standards & the Early American Colonies & States](#)’ at ReformedBooksOnline.com.

¹⁹⁸ This is seen clearly today in conservative Presbyterian denominations, which, in holding to the Westminster standards, have made a term of ministerial communion consent unto the secondary doctrines they contain; such are the rule of teaching for the Church to the public and contrary practices to these secondary doctrines are disciplinable.

¹⁹⁹ On the definition of what constitutes secondary Christian doctrines and practices, see the webpage, ‘[Of Fundamental, Secondary & Tertiary Matters of Christianity, of Errors Therein & of Communion, Discipline & Separation Thereabout](#)’ at ReformedBooksOnline.com.

²⁰⁰ Tertiary doctrines are not to be established, unless a civil, public scandal arises over them, and then they may be determined accurately from the Word by the Church, and established by the magistrate. See the section, ‘[On Tertiary Teachings](#)’ on the webpage, ‘[Of Fundamental, Secondary & Tertiary Matters of Christianity...](#)’

²⁰¹ Durham: “Is it possible to separate growth in delusions and variety of absurd errors, and civil faction and discord? or, in experience have they ever been separated? We see they made men carnal in Corinth, they made them bite and devour one another in Galatia, as ch. 5 of that epistle to them; yea,

also tend to subvert fundamentals, which is a threat to the foundation of religion and the State itself;

5. Secondary errors are evil works and provoke God's wrath (2 Chron. 19:8-10; Ezra 7:23-28); Rom. 13:3-4 says the magistrate is to restrain such evil works. Magistrates of established lands in Scripture were commanded to uphold secondary truths, were warned about such, and were commended for so upholding them.²⁰²

That secondary truths are to be upheld by a Christian magistrate in a Christian land, and that secondary corruptions are to be civilly removed, was the doctrine of the Westminster Confession, ch. 23.²⁰³ To further see this doctrine of reformed orthodoxy proved from Scripture and reason, see the Westminster divine, Rutherford, *Free Disputation*, [ch. 6, 'Errors in Non-Fundamentals, Obstinate held, are Punishable'](#), [ch. 7, 'What Opinions may be Tolerated, what Not'](#) & [ch. 10, 'Of Indulgence in Fundamental & Non-Fundamental Errors'](#).²⁰⁴

provoked to debates, envying, wraths, strifes, back-bitings, whisperings, swellings, tumults, 2 Cor. 12:20; and can such things be with the entertaining of civil peace? For, does not the interruption of civil peace flow from hatred, bitterness, alienation of mind, envy contradictions, and such like?" *Dying Man's Testament*, pt. 3, [ch. 14](#), pp. 256-57;

²⁰² Ezra 7:23 "Whatsoever is commanded by the God of heaven, let it be diligently done for the house of the God of heaven: for why should there be wrath against the realm of the king and his sons?" Dt. 17:18-20 "And it shall be when he sitteth upon the throne of his kingdom, that he shall write him a copy of this law in a book... And it shall be with him, and he shall read therein all the days of his life: that he may learn to fear the Lord his God, to keep all the words of this law and these statutes, to do them: That his heart be not lifted up above his brethren, and that he turn not aside from the commandment, to the right hand, or to the left." Ps. 101:3-8 "I will set no wicked thing before mine eyes: I hate the work of them that turn aside; it shall not cleave to me. A froward heart shall depart from me: I will not know a wicked person. Whoso privily slandereth his neighbour, him will I cut off: him that hath an high look and a proud heart will not I suffer. Mine eyes shall be upon the faithful of the land, that they may dwell with me: he that walketh in a perfect way, he shall serve me. He that worketh deceit shall not dwell within my house: he that telleth lies shall not tarry in my sight. I will early destroy all the wicked of the land; that I may cut off all wicked doers from the city of the Lord."

²⁰³ Section 3, "The civil magistrate... hath authority, and it is his duty, to take order, that unity and peace be preserved in the church, that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline prevented or reformed, and all the ordinances of God duly settled, administered... (Isa. 49:23; Ps. 122:9; Ezra 7:23,25-28; Lev. 24:16; Deut. 13:5,6,12; 1 Kings 18:4; 1 Chron. 13:1-9; 2 Kings 23:1-26; 2 Chron. 34:33; 2 Chron. 15:12,13)"

²⁰⁴ See also Rutherford, *Due Right*, pt. 2, [Appendix](#), pp. 363-71.

The Duty to Civilly Restrain Sects & Public, False Teachers
in an Established Land²⁰⁵

Israel in the Old Testament was a safe-haven for those of other nations and religions to come live in, if they were willing to abide by the laws of the True God. Such ought to be encouraged, as it relieves those people from the bondage of living in a society of false gods and instructs them in the ways of the Living Lord. What is not acceptable, however, is to corrupt the true religion, debase civil society²⁰⁶ and provoke the wrath of God. Hence, false religions ought not to be allowed to publicly assemble or propagate their teachings²⁰⁷ in an established Christian land, reformed according to the Word of God.

This is not all though: the same is true regarding Christian sects. A ‘sect’ is a Christian church that errs in secondary matters. As sectarians are visible Christians, and yet opposed to the orthodox Christianity in the land (often with a different Church-government), they are a schism and renting of Christ’s visible Church. See WCF 23.3 again on, “The civil magistrate... hath authority, and it is his duty, to take order, that unity and peace be preserved in the church, that the truth of God be kept pure and entire, that... all corruptions and abuses in worship and discipline [be] prevented or reformed...” Part of the reason for this is that, just as the end of the magistrate not only includes the people living a peaceable and quiet life, but also their godliness (1 Tim. 2:2),

²⁰⁵ James Durham, *The Dying Man's Testament to the Church of Scotland, or, A Treatise Concerning Scandal...* (Edinburgh: Christopher Higgins, 1659), part 3, [chs. 13, ‘What is Required of Magistrates for Restraining of Seducing Spirits’ & 14, ‘What may be Justly Acknowledged to be within the Reach & Power of the Magistrate in such a Case, & so, What is his Duty?’](#) are especially helpful. See also the many resources on the subject on the webpage, [‘On Toleration & Pretended Liberty of Conscience’](#) at ReformedBooksOnline.com.

²⁰⁶ Cobbet: “4th Objection: The Church has sufficient power to attain her ends within herself, what need civil coercive power in matters of the Church? Answer: 1. The Church has that power in matters also of the Second Table, sufficient to attain its ends, [regarding] offending members therein, yet none will therefore make civil coercive power in such matters needless. 2. The State as well as Church is injured, by witchcraft, by perjury, by schism, and other sins against the First Table, and, notwithstanding the Church’s power ecclesiastically to attain her ends, the State must have its defensive and vindictive power politically to attain its ends too, the good of safety and peace of the subjects; and so both perfect within their own spheres. 3. When the Church has gone to her utmost extent of power in casting out blasphemers, seducers, perjured persons, schismatics, etc. yet they may do more hurt in Church and commonwealth than before, unless civil coercive power help; The Church may attain her ends in an ecclesiastical way and yet the civil state [ought] not [to be] hindered of attaining its ends in a political way, but both polities be reciprocally helpful to each other...” *Civil Magistrate’s Power*, pp. 66-67.

²⁰⁷ David Dickson, *Truth’s Victory Over Error...* (Edinburgh: John Reid, 1684), ch. 20, [question 4, pp. 156-62](#).

and the magistrate is to promote the good (Rom. 13:4, and as spiritual good is good) and restrain evil (and religious errors are a form of evil, Gal. 5:20; Phil. 3:2; 2 Pet. 2:1), so the end of the magistrate includes (especially amongst professing Christians) restraining that which is contrary to the spiritual good and happiness of the people unto eternal life.²⁰⁸ This the magistrate is do on behalf of and for God, against whom such crimes are principally offensive.²⁰⁹

It is helpful to set the truth in contrast to the errors on either side.²¹⁰ Those going too far are the Papists, while the Arminians and others on the matter fall far short of God's civil glory. Gillespie writes:

“The first opinion is that of the Papists, who hold it to be not only no sin, but good service to God to extirpate by fire and sword all that are adversaries to, or opposers of the Church and Catholic Religion... Suarez... lays down these assertions:

1. That all heretics, who after sufficient instruction and admonition, still persist in their error, are to be without mercy put to death.

²⁰⁸ Rutherford: “That the king’s end-intrinsic as king is more than external and natural peace is clear, because ill doing against which he as the minister of God is to execute vengeance and wrath, Rom. 13:3-4, is not only that which is contrary to external quietness of the commonwealth and the natural happiness of civil societies, but also that which is contrary to the happiness-supernatural of the Church as believers in the way to life eternal, for he is to take vengeance upon blasphemy, idolatry, professed unbelief, neglect of religious administration of the seals, and the eating and drinking damnation at the Lord’s Table, which are ills not formally contrary to external quietness, but which are directly scandals, and moral ills hindering men as members of the Church in their journey to life eternal; for though men should never fall or sin against the external quietness of the natural happiness of the members of a commonwealth, yet the magistrate as the magistrate is to execute vengeance upon all external ill-doing, as blasphemy, adoring of idols.” *Due Right*, pt. 2, [Appendix](#), pp. 394-95. Note that the magistrate is to restrain civil scandals, and that the definition of scandal includes things that are “impeditive of the spiritual life, or comfort of others”. Walter Steuart of Pardovan: “but scandal is something accompanying word or deed with such circumstances as makes that word or deed inductive to sin, or impeditive of the spiritual life, or comfort of others.” *Collections & Observations Concerning the Worship, Discipline & Government of the Church of Scotland...* (Edinburgh: W. Gray, 1709), bk. 4, Title 1, ‘Of Scandals & Church-Discipline in General...’, [p. 197](#).

²⁰⁹ Voet, *Ecclesiastical Politics*, vol. 2, pt. 1, bk. 4, tract 1, ch. 6, ‘On a Question: Is the Magistrate able, and ought he to Impede the Exercises and Propagation of False Religions, Infidels & Heretics only for Particular Political Reasons, & not truly also for General Theological Reasons?...’, [pp. 479-90](#).

²¹⁰ Bolton and Mastricht lay out similar categories as Gillespie in Bolton, *Arraignment of Error*, pp. 319-21, see especially the excellent in-depth distinctions and discussion on pp. 334-48; van Mastricht, [section XIX, ‘Whether Heretics Ought to be Put to Death?’](#) in *Theoretico-Practica Theologia*, vol. 2, bk. 7, ch. 6, pp. 852-53.

2. That all impenitent heretics, though they profess to be Catholics, being convict[ed] of heresy, are to be put to death.
3. That re-lapsing heretics, though penitent, are to be put to death without mercy.
4. That it is most probable that heresy-archs, dogmatists, or the authors of an heresy, though truly penitent, yet are not to be received to favor, but delivered to the civil sword.
5. That a heretic who has not relapsed, if before sentence [be] past against him, he convert of his own accord, he is not to be punished with death, but with some smaller punishment, such as perpetual imprisonment, or the like... he says that schismatics may be punished with almost all the punishments of heretics... Some of them also maintain the compelling of infidels to be baptized, as [Duns] Scotus... and they who follow him.

The second opinion does fall short, as far as the former does exceed: that is, that the magistrate ought not to inflict any punishment, nor put forth any coercive power upon heretics or sectaries, but on the contrary grant them liberty and toleration.

This was the opinion of the Donatists, against which Augustine has written both much and well, in diverse places: though himself was once in the same error... In the same error are the Socinians and Arminians... Mr. [John] Goodwin [an Arminian]... In which places he denies that the magistrate, and particularly that the two [English] Houses of Parliament may impose anything pertaining to the service and worship of God under mulcts [fines] or penalties."

Gillespie defines the reformed position in this way:

"The third opinion is that the magistrate may and ought to exercise his coercive power in suppressing and punishing heretics and sectaries, less

or more, according as the nature and degree of the error, schism, obstinacy, and danger of seducing others, does require.²¹¹

This as it was the judgment of the orthodox ancients... so it is followed by our soundest Protestant writers; most largely by Beza... What is it else that Calvin teaches when he distinguishes three kinds of errors:

[1.] some to be tolerated with a spirit of meekness, and such as ought not to separate betwixt brethren:

[2.] others not to be tolerated, but to be suppressed with a certain degree of severity:²¹²

[3.] a third sort so abominable and pestiferous, that they are to be cut off by the highest punishments? (Calvin, *Refutation of the Errors of Michael Servetus*, [p. 31]... This treatise is approved by Bullinger in an epistle to Calvin...)

And lest it be thought that this is but the opinion of some few, that the magistrate ought thus by a strong hand, and by civil punishments suppress heretics and sectaries: let it be observed what is held forth

²¹¹ Rutherford: "...and if the magistrate also in the New Testament have the sword given to him of God for the punishing of evil doers, as Rom. 13:4-5, that same Law must now also have force, though in the use of the sword sundry heretics are here to be distinguished, as: 1. seducing heretics, drawing others away from the worship of the true God to idolatry: such are not to be pitied by the magistrate, as Dt. 13:5-7; Zech. 13:4-6; whereas seduced, and drawn away souls, for simple heresy, cannot be put to death. 2. Heretics falling away in many particulars from the faith to Popery, or other heretical ways, are more severely to be punished than those who are heretics in one or two fundamental points only. And those who are universal apostates, and fall from the Christian faith to Judaism and paganism, deserve no less than death [Heb. 10:26-30]. 3. Self-condemned heretics, after sufficient information, and malicious opposers of the truth, deserve harder dealing than simply seduced heretics. 4. All who believe blasphemies to be truth, and hold them, are not to be reckoned amongst formal blasphemers, whose malice carries them on to rail upon the unspotted ways of God." *Due Right*, pt. 2, [Appendix](#), p. 356.

²¹² Jeremiah Burroughs: "...they think the dictates of their consciences will be sufficient to bear them out in what they do; but they are deceived, for an erroneous conscience does not bind, you sin notwithstanding your conscience bids you do it... whatsoever a man holds, though his conscience be never so much taken with it, yet if it cannot stand with the power of godliness, but destroys it, if this man be in a Christian society [a church] after all means used to reduce him, if he still perseveres in it, he is, notwithstanding his conscience, to be cast out of the society of the saints... if poison be got into a glass, and you cannot wash it out, the poison and glass too is to be thrown into the sink: Such a man as this is, with the conscience that he has, is to be thrown upon the dung-hill... If the error with the profession of it be destructive to the State, and he cannot be reclaimed, he may likewise be cut off from it, or at least deprived of the privileges of it, and benefits by it, notwithstanding his plea of conscience." *Irenicum, To the Lovers of Truth and Peace. Heart-Divisions Opened...* (London: Robert Davvman, 1653), ch. 6, [p. 34](#). See the excellent enumeration of Leigh on the subject, *Body of Divinity*, bk. 9, [ch. 6](#), p. 834.

and professed concerning this business, by the Reformed Churches in their public Confessions of Faith... [Gillespie goes on to quote from the Swiss, French, Belgic and Saxon confessions and the Synod of Dort.]”

That sects were to be restrained was the view and practice of the Church of Scotland during the Westminster era, which doctrine was “consonant to the judgment both of the ancient and the best Reformed kirks.”²¹³ However, place of prominence ought to be given to the Word of God. See Gillespie, after giving an example from Augustine in the Early Church, prove from Scripture that sects ought to be civilly restrained:

“Sects and schisms are to be punished as well, though not as much as heresy and idolatry. There are degrees of faults, and accordingly degrees of punishments. Augustine wrote an epistle to Bonifacius ([Letters, #185](#) [especially [chs. 4-7](#)]) upon this occasion, to show that the Donatists [a sect] had nothing to do with the Arians [heretics], and so were not to be punished with such rigor and severity; yet he advises that moderate mulcts [fines] and punishments may be laid upon them, and that their bishops or ministers may be banished...

We have also a scripture example for punishing sectaries who are not heretics. It is agreed among interpreters, there were in Judah two sorts of

²¹³ General Assembly of the Church of Scotland, 1647, session 15, Aug. 20, ‘A Declaration & Brotherly Exhortation of the General Assembly of the Church of Scotland to their Brethren of England’: “we are also very sensible of the great and imminent dangers into which this common cause of religion is now brought by the growing and spreading of most dangerous errors in England, to the obstructing and hindering of the begun reformation, as namely (beside many others) Socinianism, Arminianism, Anabaptism, Antinomianism, Brownism, Erastianism, Independency and that which is called (by abuse of the word) Liberty of Conscience, being indeed liberty of error, scandal, schism, heresy, dishonoring God, opposing the truth, hindering reformation, and seducing others... upon these passages and proceedings [of the English army of Parliament] hath followed the interrupting of the so much longed-for reformation of religion, of the settling of Presbyterian government, and of the suppressing of heresies and dangerous errors...” 1647, last session, Sept. 1, appendix, Aug. 31, ‘Act Concerning the Hundred and Eleven Propositions...’: “8. ...the civil magistrate may and ought to suppress by corporal or civil punishments such as by spreading error or heresy, or by fomenting schism, greatly dishonor God, dangerously hurt religion and disturb the peace of the kirk; which [eight] heads of doctrine [now mentioned]... the general assembly does firmly believe, own, maintain, and commend unto others, as solid, true, orthodox, grounded upon the Word of God, consonant to the judgment both of the ancient and the best Reformed kirks.” *Acts of the General Assembly of the Church of Scotland, 1638-1842...* ed. Thomas Pitcairn (Edinburgh: Edinburgh Printing & Publishing Co., 1843), [pp. 149-51](#) & [165](#).

high-places, some on which God was worshipped, others on which idols were worshipped, and it is most manifest from 2 Chron. 33:17 and from the reconciling of 2 Chron. 15:17 with ch. 14:3,5; the one sort was the high places of idolatry, the other, the high places of will-worship; yet the priests of the latter, as well as of the former, were punished by Josiah, as Tostatus [d. 1455] [proves from 2 Kings 23](#), and the text itself is clear, for he put to death the priests of Samaria who had sacrificed in the high places of idolatry, verse 20, but as for those who sacrificed in the high-places of will-worship, because they sacrificed to the Lord only (as the word is, 2 Chron. 33:17;²¹⁴ therefore Josiah did not put them to death, only he caused them to go out of all the cities of Judah, and to cease from the priests' office, so that they durst not come up to the altar of the Lord at Jerusalem, only they were permitted to eat of the unleavened bread among their brethren, verses 8-9, which is parallel to that law, Eze. 44:10-14, a prophecy concerning the Christian temple and the times of the New Testament, which reaches a blow to another silly and short-sighted evasion... that all this coercive power exercised in the Old Testament was typical and therefore not imitable now in the New Testament. ...

The third argument is drawn from the New Testament. 'The magistrate beareth not the sword in vain, for he is the minister of God, a revenger to execute wrath on him that doth evil,' Rom. 13:4. But I assume [for the proposition of the argument]: heretics and sectaries do evil, yea much evil, especially when they draw many others after them in their pernicious ways... the experience of former times may make us so wise as to foresee that heresy and schism tends to the breach of the civil peace, and to a rupture in the State as well as in the Church."²¹⁵

²¹⁴ "Nevertheless the people did sacrifice still in the high places, yet unto the LORD their God only."

²¹⁵ George Gillespie, *Wholesome Severity Reconciled with Christian Liberty* (London, 1645), pp. 11-13. See Fergusson prove the point from further Scriptural arguments in *Brief Refutation*, [section 2, 'A Brief Refutation of the Error of Toleration'](#), pp. 59-61. See also, Gillespie, ch. 15, '[Of Uniformity in Religion, Worship of God & Church Government](#)' in *A Treatise of Miscellany Questions...* (Edinburgh: Robert Ogle, 1844) in *The Works of Mr. George Gillespie...* (Edinburgh: Robert Ogle, 1846), vol. 2 and John Brown of Haddington, '[Letter 1](#)' in *The Absurdity & Perfidy of All Authoritative Toleration of Gross Heresy, Blasphemy, Idolatry, Popery, in Britain: in Two Letters... in which the Doctrine of the Westminster Confession of Faith Relative to Toleration of a False Religion & the Power of the Civil Magistrate about Sacred Matters... are Candidly Represented & Defended* (Glasgow: John Bryce, 1780), pp. 3-95.

Needless to say, if spiritual seducers may and ought to be civilly restrained, then they ought to be taken out of, and prevented from civil office in a professing Christian nation, per Scripture.²¹⁶

On Civilly Disciplining Non-Regular Church Attendance in an Established Christian Nation

There is a word in Westminster Confession, ch. 23.3 that is usually not taken due notice of or understood (emphasis added): “The civil magistrate... hath authority, and it is his duty, to take order, that... all the ordinances of God [be] duly settled, administered, and *observed*.” Is the meaning of “observed” simply equivalent to the magistrate taking civil care that ministers observe to administer gospel ordinances, as the later Free Church theologians would essentially understand it? Are the only people who must observe the ordinances under civil oversight the ministers themselves?

The original historic intent of the Westminster Assembly, from (1) the non-limiting context of ch. 23.3 itself, (2) from the proof-texts given for the clause,²¹⁷ (3) from the theological views of theologians from that era (including Westminster divines

²¹⁶ Durham: “They may and ought to make such incapable of public places of trust and remove them from such, because: 1. They cannot be supposed to employ their power singly [without ulterior motives]; 2. Because such trust agrees not to men and subjects as such [simply], but [rather public places of trust] are voluntarily conferred as tokens of respect put upon men eminently qualified, and as may be for the good of the commonwealth: And therefore it cannot be justly accounted a marring of their liberty [or right] as men or subjects. Upon this ground was Maachah, the mother of Asa, removed from being Queen, or having any government, 1 Kings 15:13; 2 Chron. 15:16; yet it cannot be said she was wronged when she was so dealt with.” *Dying Man’s Testament*, pt. 3, [ch. 14](#), p. 256.

²¹⁷ Isa. 49:23; Ps. 122:9; Ezra 7:23,25-28; Lev. 24:16; Dt. 13:5-6,12; 1 Kings 18:4; 1 Chron. 13:1-9; 2 Kings 23:1-26; 2 Chron. 34:33; 2 Chron. 15:12-13.

themselves),²¹⁸ and (4) from the actual, common practice of England²¹⁹ and Scotland²²⁰ since their Reformations, ought to be regarded as having intended in its ideal the observance of those ordinances by all people, or, as entailing negative civil sanctions for the omission of regular church attendance.

Rutherford, a Westminster divine, published from London the *Due Right of Presbyteries* in 1644 while he sat at the Westminster Assembly, the work intending, amidst the debates thereof, to persuade of the doctrines of Presbyterianism and catholic Christianity. In it he wrote:

²¹⁸ Thomas Cartwright: "What is the magistrate's part? To see that all within his gates keep the Lord's Day: which sith [since] he must do to strangers, as Turks and other infidels, by causing them to cease from labor, and to restrain them from all open and public contrary worship of God, much more to all the subjects under him, whom he ought to force to hear the Word." *Christian Religion: Substantially, Methodically, [Plainly, and Profitably] Treatised* (London: Felix Kingston, 1611), pp. 91-92; William Bucanus: "Ought the magistrate to compel any man to believe? He cannot put faith into a man, nor compel the mind, but he ought to compel the outward man to the hearing of true doctrine, and he ought to further those means whereby faith is wrought, hindering all scandals and offences... that weaken faith. So we read, 2 Chron. 34:33, that Josiah took away all the abominations out of all the countries, that pertained to the children of Israel, and compelled all that were found in Israel to serve the Lord their God." *Institutions of Christian Religion...* (London: George Snowdon, 1606), 49th Common Place, pp. 873-74; Durham: "...it's no less scandalous and sinful for a magistrate not to see that sin be crushed that the Sabbath be sanctified and the ordinances of religion be entertained and received and revered in and by those over whom he has charge, than if he committed such sins himself, than if he discountenanced the ordinances and break the Sabbath himself, or suffered his own family or himself to be without the worship of God: Why? because these are within his gates, and he is to account for them..." *The Law Unsealed: or, A Practical Exposition of the Ten Commandments...* (Glasgow: Robert Sanders, 1676), *The Fourth Commandment*, p. 183; See also the quotes provided above by Marshall, Hall and Rutherford under the section '*The Magistrate may Compel to the Hearing of the Gospel*'.

²¹⁹ Civil ordinances against Sabbath breaking (which go into great detail) are legion in both English and Scottish history. A draconian act from Queen Elizabeth in 1580, largely against puritan-minded persons and separatists, to attend stated Anglican worship, is given and reflected upon in Benjamin Brook, *The Lives of the Puritans...* (London: James Black, 1813), vol. 1, p. 44. A much more balanced and wholesome example was enacted by the puritan-minded House of Lords in 1644, entitled, '*Ordinance for a strict Observation of the Sabbath*': "...that all and singular person and persons whatsoever shall, on every Lord's-Day, apply themselves to the sanctification of the same, by exercising themselves thereon in the duties of piety and true religion, publicly and privately... and take order that all rogues, vagabonds, and beggars, do, on every Sabbath-Day, repair to some church or chapel, and remain there soberly and orderly, during the time of divine worship." 'House of Lords Journal Volume 6: 8 April 1644', in *Journal of the House of Lords: Volume 6, 1643* (London, 1767-1830), pp. 504-510. British History Online <http://www.british-history.ac.uk/lords-jrnl/vol6/pp504-510>.

²²⁰ "In the town of Aberdeen absentees from church were ordered both in 1578 and 1603 to be fined 3s. 4d. each... In 1634 the Galston people for either absence from the examination or not keeping the kirk had both to "mak their repentance and pay los." Andrew Edgar, *Old Church Life in Scotland...* (Alexander Gardner, 1885), vol. 1, p. 116, fn. See also the later example from 1708 recorded in Walter Steuart of Pardovan, *Collections & Observations Concerning the Worship, Discipline and Government of the Church of Scotland...* (Edinburgh: W. Gray, 1770), bk. 3, title 6, section 1, p. 166.

“...the magistrate may compel, *ad actus imperatos, non ad actus elicitos*, [to] commanded and external acts of worship, though he have no power over the conscience to command the elicit acts of will and mind. 3. He may command to use the means of religion, though he cannot force religion itself: and this Jehoshaphat, Hezekiah, Asa and Josiah and other good kings commanded, and in that are set forth to all princes as patterns of zeal... one may be compelled to hear the Word, who yet cannot be compelled to believe...”²²¹

Rutherford goes further and says elsewhere that this civil compulsion may extend unto the sacraments:

“...our divines say, the magistrate may civilly in his way compel to the means of salvation, the baptized ones especially, both to hear, and to eat and drink at the Lord’s Table in some true Church.”²²²

If this is startling, it should be noted that Rutherford was simply teaching what the Word of God itself teaches. In a later place²²³ Rutherford gives these two proof-texts:

²²¹ Rutherford, *Due Right*, pt. 2, [Appendix](#), pp. 354-55; “...because the magistrate [in a Christian commonwealth] is not to compel to profession of the truth immediately, and without any foregoing information of the mind; for the Church is to teach and instruct in all the external acts of worship, before the magistrate does compel to these acts;” *Ibid.*, pp. 355-56; “but a prince and State can compel people to do a known duty of adhering to the worship of God, 2 Chron. 15, which they in circumcision undertook before to do, which duty ought *in foro Dei* [in the sight of God], to be willing.” *Survey of the Survey*, p. 479; “...but if he be baptized and profess, the godly magistrate may compel him to hear the Word, and receive the seals in the place he resides, so it be a sound Church. The magistrate cannot compel him to faith and heart duties, but he may compel him [who is so baptized] to external profession;” *Ibid.*, p. 282.

²²² Rutherford, *Survey of the Survey*, bk. 1, [ch. 19](#), p. 99. Margin note: “It is not free to professors to refuse to be members of the congregation in which they were born of believing parents and baptized, and [they] must reside in a convenient nearness to the assembly of saints.” Cartwright speaking of those who sin against the 6th Commandment: “...those magistrates that procure not as much as in them lies, the people under their government to frequent the hearing of the Word and receiving of the sacraments in the appointed times.” *Christian Religion: Substantially, Methodically, [Placably], and Profitably Treatised* (London: Felix Kingston, 1611), p. 109.

²²³ *Ibid.*, bk. 4, [ch. 12](#), p. 488, margin note: “The godly magistrate may compel... after Scripture, the practice of Joshua, Josh. 24:25, of Asa, 2 Chron. 14:3-4, etc., of Jehoshaphat, 2 Chron. 17, of Hezekiah, 2 Chron. 30:1,6; 2 Kings 18:4, of Josiah, 2 Chron. 34. See Augustine, *Answer to the Letters of Petilianus* [a Donatist], [bk. 2](#), ch. 86 [sections 188-89, in *NPNF1*, vol. 4]; *Contra Cresconius* [a Donatist], bk. 3, [ch. 50](#) [in *PL* 43.526-27]; Eusebius, *The Life of Constantine*, [bk. 1](#), ch. 37; Socrates, [*Church History*], [bk. 1](#), ch. 34; Theodoret, [*Ecclesiastical History*], [bk. 5](#), ch. 20; Augustine, *Contra the Letter of Parmenius*, bk. 1, [ch. 10](#) [in *PL* 43.45-46].”

2 Chron. 30:1,6 “And [king] Hezekiah sent to all Israel and Judah, and wrote letters also to Ephraim and Manasseh, that they should come to the house of the Lord at Jerusalem, to keep the passover unto the Lord God of Israel... So the posts went with the letters from the king and his princes throughout all Israel and Judah, and according to the commandment of the king...”

2 Chron. 34:31-33 “And the king stood in his place, and made a covenant before the Lord, to walk after the Lord, and to keep his commandments, and his testimonies, and his statutes, with all his heart, and with all his soul, to perform the words of the covenant which are written in this book. And he caused all that were present in Jerusalem and Benjamin to stand to it. And the inhabitants of Jerusalem did according to the covenant of God, the God of their fathers. And Josiah... made all that were present in Israel to serve, even to serve the Lord their God. And all his days they departed not from following the Lord, the God of their fathers.”

Verses 16-19 of 2 Chron. 30 above show that the civilly commanded observance of the sacrament by all the people yet ought to be done according to the Scriptural and ecclesiastical way (and not against it). Rutherford gives further arguments for compulsory Church attendance in an established Christian nation:

“1. God has commanded all to come to the house, Prov. 1:20; 9:1-3; Mt. 22:3-6; Lk. 14:16. And that is a prophesy to be fulfilled under the New Testament, Zech. 14:17, ‘And it shall be that who so will not come up of all the families of the earth unto Jerusalem, to worship the King, the Lord of hosts, even upon them there shall be no rain.’...”

2. ...One is born, baptized, comes to be a visible professor in the church of Boston; is not that providential necessity a ground to the magistrate to command him to do his duty, and for the church to constrain him by obtestations, censures, being born a member, to partake of the ordinances, as his duty is?”²²⁴

²²⁴ *Ibid.*, bk. 1, [ch. 19](#), pp. 99-100.

To prove this beyond all doubt theologically: If it is a duty of visible Christians to attend public worship ordinances, not simply due to the call of Christ the Mediator, but also from the call of God the Creator via the 1st and 2nd Commandments inherent in Nature, then the (fallible) vice-regent of God the Creator on earth, the magistrate, may not only command and praise the same, but may also civilly discipline for disobedience therein.

VI. The State's Authority *Circa Sacra* in a Non-Established Nation

When Rutherford and Gillespie spoke of a Christian magistrate, they usually meant by that term a Christian magistracy, or an established, Christian, civil government. That, of course, entails everything that has been described heretofore. Hence, it does not follow from their writings and other classic writings on *circa sacra* that simply by the light of the Gospel, a Christian with a certain civil authority in an otherwise non-Christian government and non-Christian nation²²⁵ can simply impose distinctively Christian laws upon unbelievers. Apart from a certain discernment by conscience of what the True Religion is, and working towards that end in the appropriate way described heretofore, that Christian magistrate has no power *in sacra*, from his office, to define what the True Religion is for the civil polity in order to enforce it. That is to say, there necessarily must be a difference between his personal belief and practice and that which he exercises in his public policy. The civil power may outwardly confirm the profession and practice of Christianity; it cannot impose it where it is not.²²⁶

What then can a Christian in a non-Christian civil government and a largely non-Christian nation do for the work of the Lord? He may, according to his capacity:

²²⁵ The case was that of Joseph in Egypt, Daniel and his friends in Babylon and Mordecai and Esther in Persia. Note that the decree of Nebuchadnezzar in Dan. 3:29 is purely that of restraining blasphemy against the True God, not of forcing pagans to worship Him.

²²⁶ Lawson: "Yet Christian Religion is not to be propagated by the sword, but by the Word clearly taught, so that their consciences may be convinced: But this presupposes the subjects [to be] no Christians. Yet if they be such [Christians], the higher powers, Christians, are bound to use all lawful means, appointed by Christ, to make them Christians. The first care of King David was to settle the true worship of God..." *Theo-Politica*, scheme 2, [ch. 11](#), p. 196.

1. Use and execute the authority of his office, upholding and implementing justice and what is right and wrong and seeking the civil good of the people in the name and power of God (who is the root of his natural and civil power and all things).²²⁷
2. Profess Christ in the administration of his office. “And whatsoever ye do in word or deed, do all in the name of the Lord Jesus...” (Col. 3:17)²²⁸
3. Seek to implement civil laws in accord with God’s natural and moral laws known by Nature (as all have the light of Nature and are accountable to God the Creator therein, who is known by the light of Nature and general revelation).²²⁹ This encompasses a negative prohibition according to the outward man of all unnatural and perverse forms of religion, according to the First Table of the Law.²³⁰
4. Seek to implement, with instruction and the self-evidencing light of Christianity going before, civil laws enforcing a negative sanctifying of God’s name in

²²⁷ Gillespie, *Aaron’s Rod*, bk. 2, ch. 4, p. 87.

²²⁸ Gillespie, *Aaron’s Rod*, *Ibid.* Mt. 5:15-17, “Neither do men light a candle, and put it under a bushel, but on a candlestick; and it giveth light unto all that are in the house. Let your light so shine before men, that they may see your good works, and glorify your Father which is in heaven.”

²²⁹ Consent here of the people is not absolutely necessary (as it would be in matters of revealed faith) as these things are known by the light of Nature, which people implicitly consent to in principle in their daily living (Rom. 2:14-15, 21-22). Such natural laws would include, for instance, prohibiting abortion, euthanasia, fornication, adultery, homosexuality, cross-dressing, transgenderism, pornography and the selling or distribution of it, drug abuse, slander, false propaganda, etc. While there is something positive and revealed about the Sabbath (Gen. 2:1-4; Mt. 28:1-6), it not being known purely from Nature, yet where it is known, the negative, outward observance of it in society ceasing from work on that day does not entail a conversion to faith, and is required by God the Creator.

²³⁰ Zanchi: “VII. A godly prince ought not to deal with all men of a diverse religion after one manner. But seeing... there be diverse kinds of men which a prince may have under his government, namely either mere infidels: or such as indeed profess Christ, but yet are also open idolaters, or in many things apostates from the apostolical Church, or in some article of the faith manifest heretics, or else err upon simplicity: or such as are rightly persuaded in all matters: we do certainly hold that a prince ought not to use one kind of measure towards all these sorts: for some of them are to be loved, cherished, and honored: some to be winked at: some not to be suffered: other some to be quite cut off: and none must be permitted to blaspheme Christ or to worship idols, or retain ungodly ceremonies.” *Confession of Christian Religion*, ch. 26, pp. 247-8. Normally the jurisdiction of the State is limited to that which is publicly observable; however, as Rutherford argues rightly, if something immoral and forbidden is outwardly done in private, amongst witnesses, the presence of those witnesses makes the act civilly corrupting (scandalous to others) and public. Hence, such acts may be prosecuted civilly through the witnesses. The case is similar to laws against assault, which apply rightly to cases of domestic violence in homes where there are witnesses and/or enough circumstantial evidence to prove the matter (the evidence herein, when made known, becoming a public testimony). Even such private sins, where it is known to others, may bring about the wrath and judgment of God upon the civil polity, which is civil magistrate is responsible for removing, according to the outward man (Dt. 21:1-9).

forbidding the evil-speaking and reviling of the True Religion, according to the 3rd Commandment, “Thou shalt not take the name of the LORD thy God in vain,” (Ex. 20:7) and the Lord’s Prayer, “Hallowed be thy Name...” (Mt. 6:9).²³¹

5. Seek to direct the powers of his office to the glory of Christ and the civil good of Christ’s Kingdom²³² in the land, the Church, including towards its civil protection, promotion and provision in all civil things that may be beneficial to its spiritual purpose.

6. Seek to cause the populace at large, with instructed consciences, possibly by way of a negative coercion (that is, penalties for the omission of duty) to outwardly hear, in one way or another, the gospel from ministers.

7. Civilly hold Christians, by their baptismal vows, to the profession of their faith and walking.

8. Civilly hold Churches, church governors and Church government to their outward ecclesiastical vows and constitutions, insofar as they are inline with the truth of God’s Word as discerned by the conscience of the magistrate.²³³

²³¹ As civil laws are to reflect moral law (which is the only ground for their bindingness), and there is no moral right to speak immoral speech, so civil laws ought to restrain immoral speech. Even with the First Amendment, early American States routinely prohibited slander, lewd speech, blasphemy, perjury, false marketing, etc., as many do today. Durham: “They [magistrates] may and ought to destroy such books as they [errorists] use to spread for the infecting of others, and inhibit and stop printing of them, or actual selling, spreading or transporting of them, as they [magistrates] may stop [the] carrying of suspected or forbidden goods.” *Dying Man’s Testament*, pt. 3, [ch. 14](#), p. 255. For more on the topic, see the webpage, ‘[On Toleration & Pretended Liberty of Conscience](#)’.

²³² Gillespie, *Aaron’s Rod*, bk. 2, ch. 4, [p. 87](#); “68. But whereas the Christian magistrate does wholly devote himself to the promoting of the Gospel and Kingdom of Christ, and does direct and bend all the might and strength of his authority to that end: This proceeds not from the nature of his office or function, which is common to him with an infidel magistrate, but from the influence of his common Christian calling into his particular vocation. 69. For every member of the Church (and so also the faithful and godly magistrate) ought to refer and order his particular vocation, faculty, ability, power and honor to this end, that the Kingdom of Christ may be propagated and promoted, and the true religion be cherished and defended: So that the advancement of the Gospel and of all the ordinances of the Gospel, is indeed the end of the godly magistrate, not of a magistrate simply; or (if ye will rather) tis not the end of the office itself, but of him who does execute the same piously.” *111 Propositions*, #68-69; see also [#95](#).

²³³ The magistrate here only has civil authority to hold them to their prior ecclesiastical commitments, or not (based on his conscience from the Word of God); it is not a civil authority to compel them to things they have not previously committed themselves to, as the magistrate has no power *in sacra*.

9. Inline with those ecclesiastical commitments, command the Churches to reform themselves according to the Word of God and to seek unity amongst themselves in the truth.²³⁴

10. Upon the natural need, call the evidently sincere and godly Churches to a council in order to inform the civil government of the true teachings of Christianity from the Word of God.

11. If such a Christian confession is acceptable to the conscience of the magistrate as being inline with the Word of God, he may civilly establish this Christian confession, government, practice, etc. for all Christians and Churches in the land (though not unbelievers).²³⁵

12. Civilly protect the established Christian Church in the land from the corrupting influence of those of other religions, agnostics, etc. still living in the land, through various levels of penalties for offences.²³⁶

13. The Christian magistrate, as a godly Christian, may, in the administration of his office, encourage and use moral means of suasion that unbelievers would seek and find the Savior and be fed by his true Church, however this does not come from the office and power of the magistrate, nor can it be commanded or civilly enforced by him through coercive measures.

Regarding unbelievers or those of other religions remaining in the nation, the magistrate has no further authority about them *circa sacra*. The magistratational power may only confirm the Christian faith where it is. For the further reformation of the populace of the nation and its whole civil government, that must come through the preaching of the

²³⁴ Obviously such civil responsibilities would not lie on lower, very qualified offices in government, such as a town postman, but it would apply to state legislators and legislatures, etc.

²³⁵ Whether or not they attended the synod. The reason for this is because the true Christian doctrine from the Word of God has been given from those with authority in the universal, visible Church of Christ to so deliver it, and such true teaching from the Word of God in the matters of revealed faith bind all Christians everywhere due to their baptismal vows, especially as it is civilly recognized and enforced in a given land.

²³⁶ Compare Rutherford, *Due Right*, pt. 2, [Appendix](#), p. 363. Rutherford is speaking to the context of a fully established Christian nation, but the principle, along with the other principles in his writings, aptly applies.

Gospel and the outpouring of the Holy Spirit in a nationwide revival unto an external profession of faith, as it occurred at the Protestant Reformation in Europe.

Extraordinary Powers

Extraordinary diseases call for extraordinary cures, and hence for the higher good of the promotion of life, extraordinary circumstances call for the exercise of extraordinary power. This principle, found in instances in Scripture, was widely taught by the reformed through the Post-Reformation era.²³⁷ Gillespie quotes Francis Junius as saying:

“For both the Church, when the joining of the magistrate fails, may extraordinarily do something which ordinarily she cannot [1 Sam. 15:32-33; Ezra 7:21,23,25]: and again, when the Church fails of her duty, the magistrate may extraordinarily procure that the Church return to her duty: that is, in such a case extraordinarily happening, these (ecclesiastical persons) and those (magistrates) may extraordinarily do something, which ordinarily they cannot. For this belongs to common law and equity, that unto extraordinary evils, extraordinary remedies must also be applied.”²³⁸

What is such a case of extraordinary circumstances? Rutherford makes this clear:

“...but some greater kingly power is due to the king in the case of the Church’s aberring, than in the case of the Church’s right administration; and as our divines do justly give to the prince an extraordinary kingly power in the case of universal apostasy of the Church, as Jehoshaphat,

²³⁷ 2nd Book of Discipline, [ch. 10](#), section 7; Hommius, *70 Theological Disputations*, disputation 30, section 5, [p. 177](#) (top); Gillespie, *111 Propositions* [#84](#); *Aaron’s Rod*, bk. 1, Appendix, [p. 66](#), especially rt. col.; Fergusson, *Brief Refutation*, [section 3](#), pp. 106-7. Rutherford (emphasis added): “We deny not to him a power to examine heresies and false doctrine: 1. In order to bodily punishment with the sword: 2. With a judgement not antecedent, but subsequent to the judgment of the Church, *where the Church is constituted.*” *Divine Right*, [ch. 23](#), p. 503; McWard, *The Banders Disbanded*, p. 45. See also the webpage, ‘[On an Extraordinary Calling](#)’ and the section, ‘[On Extraordinary Civil Power in Extraordinary Circumstances](#)’ on the webpage, ‘On the Civil Magistrate’s Just Authority for Restraining the Congregating of Citizens, even the Church...’, both at ReformedBooksOnline.com.

²³⁸ Gillespie, *English-Popish Ceremonies*, pt. 3, [ch. 8](#), p. 124; This quote of Junius is also quoted by Rutherford, who said, “I ever judged it a golden saying of that great divine Francis Junius...” *Divine Right*, [ch. 21](#), pp. 481-82; Junius, *Animadversions in Robert Bellarmine*, 4th Controversy, bk. 1, [chs. 12](#) (section 18, p. 1,038 rt. col.) & [18](#) (pp. 1,052-54) in *The Theological Works* (Geneva, 1607).

Hezekiah, Josiah, and other worthy reformers in the Church of the Jews did warrantably use their kingly power, when the Church-men were corrupted and negligent in their duty...”

Gillespie gives further important details, that the compulsory magistratical reformation, without first going through the Church, is to be according to God’s Word as apprehended by the conscience of the magistrate, though the Church ministry be made discontented by it:

“At such extraordinary times, princes by their coactive temporal power, ought to procure and cause a reformation of abuses, and the avoiding of misorders in the Church, though with the discontent of the clergy: for which end and purpose they may not only enjoin and command the profession of that faith, and the practice of that religion which God’s Word appoints, but also prescribe such an order and policy in the circumstances of divine worship, as they in their judgement of Christian discretion, observing and following the rules of the Word, shall judge and try to be convenient for the present time and case, and all this under the commination [threat] of such temporal losses, pains or punishments as they shall deprehend to be reasonable.”²³⁹

Hence, in such a case when the Church is out of civil order and functionally incompetent to perform its duties according to the Word of God, the magistrate may not simply *consequently* enforce Church doctrine and order from the Church’s hand, but he may *antecedently* do so. What is the grounds for this?

Note that the magistrate still is not taking the power of the Church keys into his hand: he is not defining doctrine and government for the Church, but only for himself and the civil nation. The difference is simply one of order. The magistrate is not taking on new power, but only using power that he latently has. It is not normally used, for the sake of order, when there is a competent ministry of the Church orderly functioning in the land, as the gifts, calling, and the authority of the order of the Church is to be preferred as a higher good in its kind before the civil exercise about such things by the magistrate,

²³⁹ Gillespie, *English-Popish Ceremonies*, pt. 3, [ch. 8](#), p. 144.

who is simply and only a layman in the Church. However, fundamental morality and the good of the people and their eternal salvation outweigh such secondary principles of order,²⁴⁰ especially when such order is not present or civilly functional. Nor ought one to complain if a competent civil ruler, using the natural authority of God the Creator, compels a negligent and degenerated Church to get its act together unto due civil order, according to the Word of God. The stronger is to use his natural power for the good of the weaker; that is especially true for the one in the land with the greatest outward strength. The highest standard of all ethical obligation, especially in extraordinary circumstances, is not societal government, ecclesiastical or civil, nor persons' consciences: It is the will of God, unto which all human order is to be conformed.

Progress Towards These Ends

It ought to be remembered, always, that the spiritual power to reform according to the Word of God does not come through civil office or civil commandment, or the fear of fines, penalties and the sword (though these be useful, natural, God-ordained deterrents from sin), but only through the Holy Spirit through the Word, manifesting itself in persons through faith (in the populace, the Church and in civil government) serving the Lord according to his Word in the strength of Christ.

While reformation by God's blessing can occur all at once, it is often more likely that it will necessarily occur in the progress of degrees, just as Joshua and the people of Israel had to take over Canaan, at God's design, little by little. This often puts Christians in civil government in situations where their personal faith, for legitimate natural and civil factors, cannot always be wholly reflected in the civil policies that they are a part of forming with unbelievers for the common, civil good (which is an essential legitimate end of civil policy).

To offer a bit of help to those in this common ethical conundrum: Reformation according to the Word of God is only to take place as far as it serves the good of the

²⁴⁰ Rutherford: "Because therefore life eternal is more necessary then external peace..." *Divine Right*, [ch. 25](#), p. 563.

people, as they can bear it.²⁴¹ All authority is for edification and not destruction. This principle has been exemplified by God Himself:

In the Old Testament God gave civil laws to Israel which regulated, and thus civilly upheld things that were inherently, morally, sinful, such as no-fault divorce and polygamy. He civilly allowed these practices (and civilly protected them in some measure) due to the hardness of the people's hearts (Mt. 5:31-32; 19:8; Mk. 10:5). That is, if He had prohibited them by civil force altogether, due to the sinfully hardened hearts and rebellion of the Israelites, it would have ended in such civil tumult that it would have destroyed them altogether. Instead, for the sake of civil order, God mercifully tolerated these sinful societal practices, and protected the people in them, by not imposing a due civil penalty on them, until the time that reformation could be further made through the light of the gospel and revelation in the coming of Son of God (Mt. 5:31-32).

Such, likely, must also be our practice in numerous civil policies²⁴² in seeking further reformation, until the Word of the gospel further softens people's hearts unto righteousness and serving the living God.²⁴³ While persons seeking reform according to the Word of God in the civil arena will greatly vary in their circumstances, abilities and methods, yet if the end goal is the same, seeking first the Kingdom of God and his

²⁴¹ This is similar to a father, in raising his children in the fear and admonition of the Lord, limiting his progress therein by what is good for the nature and circumstances of his family, and not overdriving them.

²⁴² Bucanus: "Whether ought the magistrate to tolerate only the true religion in his dominions or diverse? Only the true religion... Yet notwithstanding, sometimes the days are such, that godly kings and magistrates, moved with the necessity of retaining the public peace, and the avoiding of secret plots and seditions, are constrained like skillful pilots, as it were, to give way unto the tempest, and to bear with them that are superstitious or go astray, that so they may rather have some religion and some commonwealth than none at all." *Institutions of Christian Religion*, 49th Common Place, [p. 873](#); Lawson: "What toleration princes may grant of different [Christian] professions, when they cannot reduce their subjects to the unity of profession of the same saving Truth, is another case, and clothed with other circumstances, and must be judged of accordingly. The truth is, when a State is once corrupted, and that deeply in religion, it's a hard thing to reform." *Theo-Politica*, scheme 2, [ch. 11](#), p. 196.

²⁴³ For further help in these matters, see the section, '[On Reforming Church Ordinances](#)' on the webpage, '[On the Ordinances, Order & Policy of the Church](#)', the section, '[On Permissive Mosaic Laws of God](#)' on the webpage, '[On Positive Laws & Ordinances, & the Law of Nations](#)', the webpage, '[Passive Obedience](#)', and the webpage, '[On Liberty & Associations of Evil, or Cooperation with it](#)' at [ReformedBooksOnline.com](#).

Righteousness unto the full glory of God according to the Word, progress will be made to this end.

“Arise, O God, plead thine own cause!”

Ps. 74:22

VII. The Later Scottish Development & the Free Church of Scotland’s Establishment Principle

The Glorious Revolution of England and Scotland in 1689 set a new historical trajectory from the previous era. Not immediately, but in the ensuing decades through the 1700’s and early-1800’s, the public worship of Christian sects, and eventually Romanism, became openly civilly allowed in Scotland.²⁴⁴ A work looked upon as foundational for the advocacy of the Establishment Principle²⁴⁵ by later Free Church theologians came from the hand of Thomas M’Crie the elder in 1807, a Scottish Secession Church minister. It was entitled, *Statement of the Difference Between the Profession of the Reformed Church of Scotland, as Adopted by Seceders, & the Profession Contained in the New Testimony...*²⁴⁶ M’Crie, in the context of a denominational split amongst the Seceders, as

²⁴⁴ “After the 1688-9 Revolution and the Restoration of Presbyterianism in 1690, the CoS sought to reassert its religious monopoly, but this soon crumbled, largely due to the reluctance of the state... in 1712 a Toleration Act followed. The immediate effect of this was limited... None the less, the 1712 Act confirmed that the state had no intention of trying to force everyone into the Est.C. Without such civil support the establishment lacked the means to enforce conformity, and a changing intellectual climate eroded the will to pursue it. Thus when the mid-eighteenth century Secessions took place, it was accepted that there was no possibility of suppressing them forcibly... The most oppressive penal laws against RCs in Ireland and England were repealed in 1777 and 1778 respectively, but an attempt to introduce a similar measure for Scotland led to such serious rioting that... it was withdrawn from parliament. However most of the penal laws relating to Scotland’s RCs were repealed in 1793. The remaining disabilities affecting Episcopalians were removed in the same decade... Full RC emancipation, granting RCs the right to sit in Parliament, came in 1829.” David Stevenson, ‘Toleration’ in ed. Nigel M. de S. Cameron, *Dictionary of Scottish Church History & Theology* (Downers Grove, Ill: Intervarsity Press, 1993), pp. 822-23.

²⁴⁵ That the civil government is to establish the true religion in the land by protecting, professing and promoting it.

²⁴⁶ Especially chapters 6, ‘Of the Difference as to the Exercise of Civil Authority with Reference to Religion & the Connection Between Church & State’ & 7, ‘Brief View of the Evidence for the Exercise of Civil Authority about Religion’. The 1871 reprint has a commendatory preface by George Smeaton, a

an “Old Light”, sought to defend as natural and Scriptural an establishment principle against the “New Lights”, who would not have this to be a term of ministerial communion or the official teaching of the Church. What is not as well known though, is that the work throughout its chapters self-consciously departs from the older views of *circa sacra*.

In 1843 the Free Church of Scotland was born as a continuation of the Church of Scotland, the material exodus being necessary due to the Erastian impositions of the State. The Free Church produced numerous, renowned theological professors who wrote a number of works expounding and defending “The Establishment Principle”, especially in the context of the larger flow of Scottish society towards the principle of dis-establishment. What is not often recognized is that the Free Church theologians were largely advocating (from nature and Scripture) for the *status quo* Church-political arrangement that Scotland had inherited from the 1700’s.²⁴⁷

As the winds of society were changing through the 1700’s and 1800’s, there was a progressive lessening of doctrinal precision and argument since the days of Reformed scholasticism and orthodoxy. By the time of the Free Church professors, though they appealed in a limited measure to some of the older writings, yet their own productions necessarily bore in their context a semi-popular character for their intended audience (whether that be the general populace, Christians in churches, Church-officers or seminary students). While the Free Church professors defined broad paradigms, they largely did not go into the details and specifics of the relationship of Church and State (not nearly so much as even this Introduction). Thus the numerous older distinctions about *circa sacra*, which are essential to the Church-State relationship, became lost to those in the churches that have gone no farther on the subject than the writings of the Free Church professors, which writings are often looked upon as foundational or even definitive.²⁴⁸

professor of the Free Church of Scotland. The reprint was intended to bolster the cause of the Establishment Principle amidst a drive in the Scottish Churches to take it out as a term of ministerial communion.

²⁴⁷ An exception to this is some of the professors’ position that the public worship of Romanism ought not to be civilly tolerated in a Protestant nation.

²⁴⁸ The same appears to be true with respect to the Reformed Presbyterian tradition and their own writings through the same era. A paradigmatic example is William Symington, *Messiah the Prince: or, the Mediatorial Dominion of Jesus Christ* (London: T. Nelson and Sons, 1881), pp. 289 (top) & 301. “...that the Church of Christ is strictly independent of the state” see pp. 285-6 & 127-8.

The Free Church Catechism

In 1853 the Free Church produced a Catechism intended to instruct its people in Church principles. In it is taught that, “Both the magistrate and the Church are entitled to be free. Neither has any lawful authority over the other. (Jn. 18:36)”²⁴⁹ If the Catechism had said that the magistratical and ecclesiastical powers have no authority, as powers, over the other, this would be true, as they are distinct kinds of power (and hence, by definition they are not, and cannot be subject to each other). However the *Catechism* speaks of what is understood to be the *material* civil government and the *material* Church, and says that neither has authority over the other. Church and State being coordinate with each other, without being materially, mutually subordinate to each other when they overlap is quite a deviation from the theology of the Scottish Reformation. If this shift had occurred silently and unknowingly, that would be sad enough, but it is clear from what follows that the change was self-conscious and deliberate.

[Questions 88-89](#) of the *Catechism* define its view as to what is to be the “alliance” between Church and State. First it acknowledges the truly Erastian character of the then established Church of Scotland, and then it defines the ideal “alliance” between Church and State as involving no more subjection than one independent nation in voluntary alliance with another:

“Q. 88... A. Church and State may be, and at present actually are, connected, upon terms and principles that make the magistrate a judge and ruler over the Church; but an alliance, as such, involves nothing of the kind, any more than an alliance between two independent nations, as France and Britain, involves the subjection of one of them to the other.

“Q. 89. What is the true idea of an alliance between Church and State?
A. A covenant of mutual friendship, co-operation, and assistance.”

The Erastians in the Post-Reformation era had objected to the reformed that if there were two highest powers coordinate with each other in the same nation, it would create an

²⁴⁹ *Catechism on the Principles & Constitution of the Free Church of Scotland* (Edinburgh: Johnstone & Hunter, 1853), [Q. 151](#), [p. 46](#).

imperium within an imperium: an absurdity. The reformed vehemently responded that this was a slander upon their view, and that while the two powers are coordinate in some respect, yet they are subalternate and mutually subordinate to each other in their objects.²⁵⁰

Catechism questions and answers 79 (denying a civil obligation on the Church to depose heretical and immoral ministers)²⁵¹ and 80 (denying a civil obligation on ministers to preach Bible doctrine and conduct worship in a Scriptural manner)²⁵² directly deny not

²⁵⁰ Hottinger, *Cursus Theologicus*, Locus 15, Canon A, p. 380. Leonard Rijssen, *A Complete Summary of Elenctic Theology & of as Much Didactic Theology as is Necessary* trans. J. Wesley White MTh thesis (Bern, 1676; Taylors, SC: Greenville Presbyterian Theological Seminary, 2009), ch. 16, 'The Church', pp. 219-20. See also Gillespie contra the Independents, *Aaron's Rod*, p. 120.

²⁵¹ See the distinctions of Gillespie, *Aaron's Rod*, p. 122 (lt. col.). Marshall: "...It belongs to the magistrates to reject corrupt and unworthy ministers; for it cannot stand with the faithfulness of nursing-fathers to commit their nurse-children to such as will starve or poison them, Eze. 34. By corrupt ministers I do not mean such as labor under any infirmities, for who is sufficient then? But I mean ignorant, erroneous, scandalous, unsavory salt; thus Samuel visited from Bethel to Gilgal, etc." *Power of the Civil Magistrate*, p. 8. Turretin: "IX. ...He does not exercise the ministry of the word who [civilly] admonishes and corrects a minister erring in doctrine or delinquent in life and removes an obstinate or scandalous one... X. ...Although it is not lawful for bishops to engage in politics or to plead in court, still it is lawful and incumbent upon them to admonish and to exhort magistrates to do their duty. And if they at any time fail in it, they are to rebuke and to denounce the judgment of God against them. So, in turn, although the preaching of the word does not pertain to magistrates, still it is lawful for them to admonish and rebuke bishops and pastors neglecting or wandering from their office; nay, also to bring to order transgressors and to take care that the ministry be not corrupted and religion suffer no harm." *Institutes*, 3.319. Rutherford: "Objection 14: How can the magistrate determine what the true Church and ordinances are, and then set them up with the power of the sword? and how can he give judgement of a false Church, false ministry, false doctrine and false ordinances, and so pull them down by the sword? and yet you say the magistrate is to give no spiritual judgement of these, nor has he any spiritual power for these ends and purposes. *Bloody Tenent*. [Rutherford's] Answer: The magistrate judges of these as a magistrate, not in a pastoral way or ecclesiastically, for then by office he should be a preacher of the Gospel, but civilly as they are agreeable or contrary to the laws of the commonwealth made concerning religion, and in order to the civil praise and reward of stipends, wages or benefices, or to the bodily punishment inflicted by the sword, Rom. 13:4-5. So, though the object be spiritual, yet the judging is civil, and the magistrate's power in setting up true, or pulling down false ordinances, is objectively spiritual or civilly good or ill (to speak so) against the duty, or agreeable to that which men owe as they are members of a civil incorporation, a city or commonwealth: but the same power of the magistrate is formally, essentially in itself civil and of this world." *Divine Right*, ch. 25, pp. 577-78, see also ch. 24, pp. 548-551 & 553. Swinnock: "The prince indeed is not called to be a public preacher, but he has a call to see that none abuse that calling to the hurt or poison of his people." *Men are Gods*, p. 254. Scottish 2nd Book of Discipline, ch. 10: "2. So it pertains to the office of a Christian magistrate... To see that the kirk be not invaded, nor hurt by false teachers and hirelings, nor the rooms thereof be occupied by dumb dogs or idle bellies; 4. To assist and maintain the discipline of the kirk, and punish them civilly that will not obey the censure of the same; always without confounding the one jurisdiction with the other;"

²⁵² Rutherford: "All the rise that religion has from the prince as the prince in this case is civil, that men gifted may be commanded by civil authority to dispense Word and sacraments, but nothing ecclesiastical is here done by the prince as the prince... The magistrate's power in commanding that this

only positions that the reformed orthodox argued for from Scripture at length, in accord with Westminster Confession of Faith, 23.3, but also deny other parts of their historic, constitutional documents.²⁵³ In doing this, the Free Church *Catechism* uses the same arguments as the English, Independent sects used in the Westminster era,²⁵⁴ the Scottish covenanters having refuted them two hundred years before.

Questions 83-84 bring up the Old Testament examples of Israeli kings civilly “regulating” the Church of Israel. The *Catechism* argues that these examples only warrant civil regulation in extraordinary circumstances. However, this is not wholly true, according to the London Presbyterian ministers,²⁵⁵ Westminster Confession of Faith,

religion that is true and consonant to the Word of God be set up, and others that are false be not set up in his kingdom, is a civil power, and due to him as a magistrate; but a highest Church power, to dispense Word and sacraments agrees to no magistrate as a magistrate; but it follows not that when the true religion is erected by his power as a magistrate that he may as a magistrate dispense Word, sacraments and synodical acts and censures;” *Divine Right*, ch. 25, p. 570; “We deny not but the prince may command the pastor to preach and the synod and presbytery to use the keys of Christ’s Kingdom according to the rules of the Word: But this is but a civil subjection, though the object be spiritual.” *Ibid.*, ch. 23, p. 504, see also ch. 24, pp. 542-44, especially pp. 552-3; *Due Right of Presbyteries*, pt. 2, Appendix, ‘Objection: David also...’, p. 424; Fergusson: “By this coactive punishing power he may see to the observation of divine and Church laws, and punish those that are contemnners of them by civil punishments. There are several examples of this, as that of Josiah, ‘He made all the people stand to the Covenant.’” *Brief Refutation*, p. 107; Gillespie, *English-Popish Ceremonies*, pt. 3, ch. 8, pp. 127 & 139, see also *Aaron’s Rod*, bk. 1, Appendix, p. 68 (lt. col top); Marshall: “...To take care that all the Lord’s institutions be observed; what He has appointed to be done, they must see it done. The heathen king hit it right, Ezra, 7:23, ‘Whatsoever is commanded by the God of heaven, let it be diligently done.’” *Power of the Civil Magistrate*, pp. 5-6. McWard: “As the magistrate may command all acts of divine worship which are according to the Word of God under the pain of civil punishment, so he may inflict civil punishment for disobeying these commands.” *The Banders Disbanded*, p. 45. Turretin “IX. Although the care of religion belongs to the magistrate, political and ecclesiastical power are not on this account confounded. They are concerned with it in a different way... The former is concerned only about extrinsic things, as to their external disposition and order (which belong to the worship of God); the latter, however, about internal things (to wit, the administration of those things which pertain to the worship of God)... He does not baptize who prohibits the profanation of baptism, who takes care that holy things should be done in a holy manner.” *Institutes*, 3.318-19. Regarding the word “profitable” in the question, note the distinctions of Rutherford, *Divine Right*, ch. 24, pp. 542-53.

²⁵³ Scottish 2nd Book of Discipline (1578), ch. 1, “10. The civil power should command the spiritual to exercise and do their office according to the word of God... 11. The magistrate commands external things for external peace and quietness amongst the subjects... 14. The magistrate neither ought to preach, minister the sacraments, nor execute the censures of the kirk, nor yet prescribe any rule how it should be done, but command the ministers to observe the rule commanded in the word, and punish the transgressors by civil means... Finally, as ministers are subject to the judgment and punishment of the magistrate in external things, if they offend...”

²⁵⁴ As may be seen in the works of Rutherford, Fergusson, Bolton, etc. referenced in this Introduction.

²⁵⁵ The London ministers below: “An ordering, regulating power is also allowed to the magistrate about ecclesiastical matters in a political way...” Many of the functions they delineated under this heading occur in ordinary circumstances.

23.³²⁵⁶ and the Second Reformation in Scotland.²⁵⁷ The Catechism then claims that these civil actions, including that “false religions were to be put down by the civil power,” flowed from the positive, civil laws that God gave to Israel by special revelation and from the monarchy insofar as it was “a type of the kingly office of Christ,” “at least in the case of those who reformed and regulated the Church”. This was the view of Independent

²⁵⁶ The section, which uses proof-texts from the Old Testament Israeli kings, makes no such qualification. When the Church of Scotland adopted the Confession, it made qualifications about ch. 31, respecting when and in what circumstances the magistrate could call Church councils, whether in extraordinary or ordinary times, but it made none such about ch. 23. The presbyterians distinguished and largely limited the civil power around sacred things in ordinary times as only consequent upon the Church’s own determinations, and not antecedent to it, as the Erastians.

Westminster does not so limit it; and it is when it is out of order and extraordinary that it needs it the most, but that it not become extraordinary, something ordinary may be needed.

²⁵⁷ Dickson mentions nothing about the Israeli kings’ actions being for extraordinary circumstances in his treatment of the subject in *Truth’s Victory*, ch. 20, [question 4](#), p. 159. He mentions the good kings being reprov’d when they took not away the high places, which occurred in ordinary times and circumstances. Rutherford: “There is one consideration of abuses and heresies manifestly repugnant to God’s Word, and another of those things that are ordinarily doubtful. In the former there is no need of the Church’s ministerial power of condemning them, and therefore Hezekiah, Josiah, Asa, Jehoshaphat, did manifestly by the light of nature and God’s Word reform abuses and idolatry in God’s worship without the Church’s determination, seeing the Church-representative was guilty of these corruptions themselves; but in the latter, seeing the king’s place is to command and compel by external force and bodily punishments, and it is the Church’s part to teach, inform, bind, and loose, therefore the king can make no Church canons.” *Due Right*, pt. 2, [Appendix](#), p. 389; Durham: “This is clear in all the governments and commonwealths that the Lord did immediately model Himself, magistrates had this for a special part of their task, to keep His ordinances pure, and to restrain the corrupters of them: This is expressed in the Moral Law...” *Dying Man’s Testament*, [ch. 13](#), p. 241; “He may and ought to remove all false worships, and endure no corrupt preaching, or writing, or meetings for that end, or administering of corrupted sacraments, or any ordinance other than what is allowed; for Josiah did cause the people ‘stand to the Covenant’ that was made, and having removed all idolatrous worship, ‘he made Israel to serve the Lord’... and that according to the manner prescribed by the Lord.” *Ibid.*, [ch. 14](#), p. 253; Rutherford: “...and if the canon or Church constitution be wicked and popish, he is obliged to deny his civil sanction; and not that only (for he that is not with Christ is against Him), but he is to employ his kingly power against such canons, and so is to deliver the Church of God in that; and in denying his accumulative power to unjust canons, he adds his kingly power-accumulative to the true Church, in saving them from these unjust canons.” *Due Right*, pt. 2, [Appendix](#), p. 414; “...he may punish those who make wicked constitutions... the king as king may command that he teach truth, and he may punish heretical teaching...” *Ibid.*, p. 430; “The unjust and evil exercise of the ministerial power is obnoxious to the magistrate as the magistrate; thus, in that he bears the sword against all evil doers, Rom. 13:1.” *Divine Right*, [ch. 24](#), p. 548; “If the Church be remiss, this is a defect and [is] somewhat extraordinary; if the magistrate command the Church to do their duty, and they neglect to do it, the magistrate’s [legal] cognizance then may be antecedent and not consequent [as it ordinarily would be]; and the case of a Church erring in a fact, is, as if, in that fact, there were no Church.” *Divine Right*, [ch. 25](#), p. 563.

Gillespie: “They [the civil and church powers] differ in a divided execution... the magistrate ought to punish with the temporal sword, one whom the church ought not to cut off by the spiritual sword.” *Aaron’s Rod*, pt. 2, [p. 89](#).

separatists in the 1640's;²⁵⁸ Rutherford argues against the position in, *A Free Disputation*, chs. 13, 'Magistracy & Perpetual Laws in the Old Testament Warrant the Civil Coercing of False Prophets' and 14, 'Cavils Against Coercive Judicial Laws for Punishing False Prophets in the Old Testament Removed,' and proves that those Old Testament regal actions were done out of common, natural equity, which obliges magistrates today.²⁵⁹

William Cunningham

Professor of the Free Church, William Cunningham, gave a lecture in 1851, which was later published in 1863, on the 'Relation Between Church & State'. In it he acknowledges the subordinations of *persons* in both Church and State as having duties to those respective powers.²⁶⁰ However when he comes to speak of the State and Church as *societies*, with their *functions* and *objects*, he says that:

"...the Church and State are two distinct independent societies, each having a distinct government of its own, self-sufficient and authoritative in its own province, and with reference to its own functions and objects."²⁶¹

Cunningham in the lecture goes on to step closer to the classic *circa sacra* position in some further qualifications (even including restraining and punishing Church-persons if they disrupt civil society upon pretense of ecclesiastical authority), but then, paradoxically,

²⁵⁸ Edwards: "Some of them deny also and question that received axiom that the magistrate is *custos utriusque tabulae* [keeper of both Tables], saying of those kings of Judah and Israel who meddled in the Church with reformation and establishment of religion, that they did it not as kings, but as types of Christ: so that I leave it to better judgment whether it be safe for a kingdom to tolerate such churches who maintain and vent upon all occasions such kind of principles..." *Reasons Against the Independent Government of Particular Congregations: as Also Against the Toleration of Such Churches to be Erected in this Kingdom...* (London, 1641), reason 7, p. 31.

²⁵⁹ John Knox: "...for it is a thing more than certain, that whatsoever God required of the civil magistrate in Israel or Judah concerning the observation of true religion during the time of the Law, the same does He require of lawful magistrates professing Christ Jesus in the time of the Gospel, as the Holy Ghost has taught us by the mouth of David, saying, Ps. 2, 'Be learned you that judge the earth, kiss the Son, lest that the Lord wax angry, and that ye perish from the way.'" *The Appellation of Iohn Knoxe...* (Geneva, 1558), p. 22.

²⁶⁰ William Cunningham, *Discussion on Church Principles: Popish, Erastian & Presbyterian* (Edinburgh: T. & T. Clark, 1863), p. 203

²⁶¹ Cunningham, *Discussions*, pp. 207-8.

concludes that the magistrate does not have legitimate authority in matters of religion and that the Church owes the civil government no obedience in affairs of the Church pertaining to the peace and good order of the civil community:

“The civil magistrate is also entitled to exercise a certain superintendence and control in religious and ecclesiastical matters, limited to the object of promoting the attainment, and preventing the frustration, of the great end of his office – the peace and good order of the community. But this consideration, – though authorizing him to restrain and punish whatever, under pretence of conscience or of ecclesiastical authority, interferes with the interests he is bound to guard, – does not invest him with legitimate authority in matters of religion, or the affairs of the church, or enable him to impose upon any a valid obligation to render to him obedience in these things.”²⁶²

If an ideal “alliance” between Church and State does not involve a valid obligation of obedience between the two, what does it involve? Cunningham’s answer is a “friendly union or alliance with each other”²⁶³ “for mutual aid and assistance.”²⁶⁴ How then would the two powers communicate in such an “alliance” in order to mutually aid and assist each other? If it cannot be by obligations and commands, it must be by recommendations, requests, counsels and conferring with each other. In an earlier volume from 1835, James Buchanan, who would likewise go on to become a professor in the Free Church, said that the magistrate may (emphasis added) “*confer* with the faithful ministers of God’s Word, *so as to concert with them* such measures as may harmonize the civil with the spiritual administration,” but he does not mention the magistrate being able to oblige the Church. Likewise in the same volume, Cunningham had posed a question approvingly, stating (emphasis added) “that the civil rulers should... *recommend* it to all their subjects to

²⁶² *Ibid.*, p. 209. By implication, the Church would not be able to impose any valid obligation as a matter of obedience with respect to a Christian government in spiritual aspects of civil affairs; this likewise was contrary to the view and practice of the Second Reformation in Scotland.

²⁶³ *Ibid.*, p. 205.

²⁶⁴ *Ibid.*, pp. 205-6.

attend upon the ordinances of religion..."²⁶⁵ This is a notable departure from what Rutherford had taught:

"Christ's way of proceeding to take away scandals between brother and brother is spiritual: tell him, admonish the offender, tell the Church that they may rebuke and admonish; and this is a moral way all along. But the magistrate's proceeding is not moral by requests, orations, admonitions, but by the real use of the sword to compel: 'for he beareth not the sword in vain,' Rom. 13:4."²⁶⁶

"8th Conclusion. The influence of the prince's regal power in making [Church] constitutions is neither... 2. collateral, as if the prince and Church, with joint concurrence of diverse powers did it; nor is [it] 3., as some flatterers have said, so eminently spiritual as the consultation and counsel of pastors, for light only has influence in Church's canons [in holding forth the Word of God], but the prince's power has only the power to design,²⁶⁷ so as the [Church] canon has from the prince the power of a law in respect of us.

The king's influence in Church canons (as we think) is as a Christian antecedent, to exhort that the Lord Jesus be served... 3. consequent, as a king to add his regal sanction to that which is decreed by the Church according to God's Word, or otherwise to punish what is done amiss."²⁶⁸

²⁶⁵ *Lectures on the Nature, Lawfulness, Duty & Advantages of Civil Establishments of Religion...* (Edinburgh, 1835), Lecture 1, [p. 22](#). James Buchanan, who would also later be a Free Church professor, said likewise in the same volume, 'Prefatory Discourse', [p. 60](#).

²⁶⁶ Rutherford, *Divine Right*, [ch. 3](#), p. 227. "For the magistrate as the magistrate does nothing but by an external coactive power. The magistrate uses the sword, not reasons, preaching and counsel." *Peaceable & Temperate Plea*, [ch. 9](#), p. 111.

²⁶⁷ Gilbert: "They act politically about ecclesiastical things... as becomes the nursing-fathers of God's people.... Their power therein is directive, and protective; remunerative and cumulative; not destructive, but edificative, as all former texts clearly demonstrate." *The Libertine School'd*, p. 6.

²⁶⁸ Rutherford, *Due Right*, pt. 2, [Appendix](#), pp. 419-20.

James Bannerman & “Persecution”

James Bannerman was another renowned professor of the Free Church of Scotland. In his work, *The Church of Christ* (1868), considered a classic in the field (though it is not as detailed, nor as precise as the works of Gillespie and Rutherford), he taught:

“To oblige a man under civil pains to conform to the Church by law established, or to punish him for dissenting from it, is without dispute a violation of the right that belongs to all to worship God according to their conscience.”²⁶⁹

On the contrary, however:

(1) Scripture and classic presbyterianism do not hold that a person ought to be civilly (or ecclesiastically) punished for merely dissenting from the doctrine of the established Church, nor for simply expressing that dissent.²⁷⁰ It is affirmed that to so punish for this would be persecution, as Romanists have done in their history.

²⁶⁹ James Bannerman, *Church of Christ...* (Edinburgh: T. & T. Clark, 1868), [1.154](#). Robert S. Candlish, who would be another Free Church professor, said similarly in *Lectures on... Civil Establishments of Religion*, Lecture 5, [pp. 17-18](#).

²⁷⁰ Durham: “...it is not intended that magistrates should rigidly and severely (much less equally) animadvert upon all that in their judgment are erroneous, or differ from what is truth...” *Dying Man’s Testament*, pt. 3, [ch. 13](#), p. 248; Gillespie: “Again, to distinguish persons, whether godly and gracious, or loose and libertine, whether moderate and peaceable, or factious and turbulent; whether such as have deserved well of the public, or such as have done either no service or a disservice. To distinguish corporation, whether the question be of such only as have a present existence, or of all who shall join to such a way afterward. To distinguish errors, whether practical or doctrinal only, whether fundamental, or circa-fundamental, or neither of the two.” *A Late Dialogue Betwixt a Civilian & a Divine...* (London: Robert Bostock, 1631), p. 31; Rutherford: “2. Whether it is for the magistrate to punish heretics? Whether it is agreeable to the laws of our most merciful Savior Jesus Christ that the magistrate tolerate Jews, Turks, Papists, etc, and all heretics in the republic who err with a purely mental error? We affirm the former. We deny the latter with a distinction against the Remonstrants.” “Assertion 1. Thus far the liberty of simple knowledge and opinion for all men ought to be yielded by the magistrate, that the magistrate is able to constrain no one to be of this or that opinion or sentiment in religion. Because mental acts, since they are internal, are not subject to the authority of the magistrate... Assertion 2. The power of the magistrate directly and immediately on the conscience is null; yet indirectly and secondarily, the power of the magistrate on the conscience is cumulative, because he is able to command someone to anxiously and diligently endeavor towards orthodoxy by all means. But privative power, there is none, because rightly ought one to think of God freely; the king is not able to deprive the conscience, no tyrant, not any created power.” eds. Charles Johnson & Travis Fentiman, *Rutherford’s Examination of Arminianism: the Tables of Contents with Excerpts from Every Chapter* (ReformedBooksOnline.com, 2019), Table of Contents, ch. 19 &

(2) People have no moral right to worship God according to their conscience simply (much more so outwardly and publicly), if it be according to error, contrary to the light of Nature and the Word.²⁷¹ The Second Commandment is, “Thou shalt not make unto thee any graven image... Thou shalt not bow down thyself to them... for I the LORD thy God am a jealous God.” See also Mt. 15:9 & Col. 2:20-23. If all created things and powers are subject to God’s moral laws, then the magistrate has an obligation to enforce the 2nd Commandment with regard to the outward man, especially in the public sphere of society.

(3) In accord with moral law (which all positive, civil laws are to be based upon) Bannerman’s own constitutional Church standards said, citing Scripture-proofs (WCF 23.3): “The civil magistrate... hath authority, and it is his duty, to take order, that all the ordinances of God [be] duly... observed,” and that the 2nd Commandment requires (original Westminster Larger Catechism #108) “the detesting, disapproving, opposing, all false worship, and, according to each one’s place and callings removing it...” including the civil magistrate.

The implicit interpretation of the Free Church professors about WCF 23.3 could only be that the magistrate is bound *only* with respect to the established Church in the land (namely the Church of Scotland), “that the truth of God be kept pure and entire, that all blasphemies and heresies be suppressed, all corruptions and abuses in worship and discipline [be] prevented or reformed,” and that this does not apply to all the other denominations in the nation (of which there were many). Yet that is not what WCF 23.3 says; rather, the former duties are with

pp. 130-31, see the whole section, pp. 130-35 for distinctions about various degrees of civilly punishing those who propagate error. Marshall: “...Nor do I find a warrant for magistrates to compel any to the profession of truth, Ps. 110, ‘His people a willing people.’ To order what men shall believe, is to exercise dominion over men’s consciences: It is one thing to cause the people to attend the means, and another to make them believe the truth; the first they must do, but not the second: Faith is God’s gift. It is one thing to hinder idolatry and blasphemy spreading, another thing to make people renounce an opinion and embrace the truth... Nor must the magistrate deny that indulgence, toleration, to all the Lord’s people, in their weaknesses, whether of judgment or conversation, which Christ would have his saints exercise one towards another.” *Power of the Civil Magistrate*, pp. 5-6.

²⁷¹ Lawson: “As for liberty of conscience, it’s limited to things indifferent: For Christ did never purchase, never grant to any liberty to believe errors, false doctrine, or their own fancies, no ways grounded on the Word of God, much less to profess them, and least of all upon this belief and profession, to associate, and continue themselves in several societies, separate from orthodox Christians, raise schisms in the Church and factions in the State, to the disturbance of both.” *Theo-Politica*, scheme 2, ch. 9, p. 196.

respect to the Church, unqualified, in the land, that is, every professing Christian and their assemblies.

(4) If a person truly desires to worship God publicly according to their erroneous conscience, they may be civilly free to do so in another nation, but they are not free to provoke God and entice other Christians to false worship in a Church and nation with public standards reformed according to the Word of God.

In another place, where Bannerman treats the older view in more detail, he claims that Samuel Rutherford, David Dickson and James Fergusson of the Second Reformation in Scotland, in writing against the sectaries proclaiming “an absolutely unlimited toleration”, made a “reaction” and:

“...in some instances went too far, and laid down positions which were indefensible, and really involved persecution. Their errors on this subject mainly arose from their holding that the Jewish political laws were of permanent obligation, and consequently that capital punishment might still be lawfully inflicted for such offences as idolatry.”²⁷²

However, in relation to this, note that:

(1) Persecution, a word rarely defined, is either (A) using unlawful means to molest someone (whether it is about religion or not), or (B) it is using lawful means wrongly against what is true and righteous (whether about religion or not). Neither of these aspects of the definition of persecution pertain to the older reformed orthodox view of *circa sacra*. This Introduction to *circa sacra* has guarded against persecution at every point. To object against using lawful means to rightly enforce what is true and righteous (despite someone’s erroneous conscience), is simply to object against all societal law and order.²⁷³ The very purpose of the

²⁷² Bannerman, *Church of Christ*, 1.182-83, footnote 2.

²⁷³ Hall: “Objection: ‘This is persecution.’ Answer: Not at all; Tis justice, not persecution to punish thieves and murderers. These spiritual thieves and murderers are the worst of sinners; others destroy but the estate or body, these kill souls. 2 It’s Christian wisdom to kill serpents, wolves, foxes, bears, Cant. 2:15. 3. Tis love and compassion to the souls of the wicked, and may be a means to convert, or at least to restrain them... 4. Tis an act of mercy to others to keep them from infection; tis cruelty to the good to spare the bad... 6. I would have all mild and gentle means used before men proceed to judgement. Care should

magistrate having the sword is for them to physically restrain persons with erroneous consciences hurting society. The Westminster divine Edward Leigh said: "Persecution is suffering for righteousness sake, not for poisoning men's souls."²⁷⁴

(2) Rutherford, Dickson and Fergusson did not hold that the Jewish political laws were of permanent obligation. Rather, they held that the common, natural and general equity of the Jewish political laws were of permanent obligation,²⁷⁵ and they took it upon themselves to prove at some length, from nature and Scripture, that what they contended was of permanent obligation, was in fact common, natural, moral equity.

(3) With Scripture, those men held that capital punishment *may not* be lawfully inflicted for every offence of idolatry. Rather, it may only be inflicted for the most severe forms of idolatry, not anything that falls under that spiritual shadow. Rutherford made clear (in the very book that Bannerman cites of him) that idolatry being punishable by death, according to the equity of Dt. 17:1-7, was in the context of an established nation in Covenant with God.²⁷⁶ He further rightly expounded this portion of God's Word as teaching that:

"It is not [a] single [act of] idolatry that is his death, but [by] his idolatry in seducing others by word or example, he 'works such abomination in Israel,' v. 4, in the Church of God, which tends to seduce others."²⁷⁷

be taken to inform their judgments and convince them of their evil ways. The apostle is for two admonitions before Church censure (Titus 3:10), and the censure of the magistrate should not precede that of the Church." *Beauty of Magistracy*, verse 1, use 2, [observation 7](#), p. 80.

²⁷⁴ Leigh, *Body of Divinity*, bk. 9, [ch. 6](#), p. 834.

²⁷⁵ ed. Travis Fentiman, '[Samuel Rutherford on the Judicial Laws of Moses: Excerpts Arranged Topically](#)' (ReformedBooksOnline, 2016); also eds. Johnson & Fentiman, *Rutherford's Examination*, pp. 133-34; Dickson, *Truth's Victory Over Error*, ch. 19, [questions 4 & 5](#); James Fergusson: "Though the Law of Ceremonies, given by Moses, does not oblige Christians... nor yet the Judicial Law, which was given to the Jewish Commonwealth, and to stand and fall with it, Num. 36:6-7, yet, the Moral Law, or the Law of the Ten Commandments, as being never yet repealed by God, does stand in force, and is binding unto Christians." *A Brief Exposition of the Epistles of Paul to the Galatians & Ephesians* (London: Company of Stationers, 1659), [on Ephesians 6:2](#), p. 411; see also Fergusson, *Brief Refutation*, p. 64. See also the galaxy of reformed orthodox witnesses to this effect on the webpage, '[The General Equity of the Old Testament Civil Laws](#)' at ReformedBooksOnline.com.

²⁷⁶ Rutherford, *Free Disputation*, [ch. 13](#), p. 187.

²⁷⁷ *Ibid.*, p. 188.

That is to say, the magistrate does not punish sin, or idolatry, as sin, but rather as that sin is a civil scandal and is detrimental to civil peace (which is of the essence of natural equity).²⁷⁸

Fergusson, in the very section that Bannerman cites from him, in treating of the punishment of idolatry according to the 2nd Commandment, says that there is a “rule of proportion” that “stricks against all sins of that kind”. He goes on to say that it is only the “high degree” of sins against the divine Law that are to be punished by death; lesser sins of that kind are to have lesser punishments.²⁷⁹

Gillespie says, on behalf of Calvin and Beza, as well as the Lutherans, that they held that only “gross idolaters or blasphemers, and seducers of others” were to be put to death.²⁸⁰ It would not be hard to show that Bannerman’s objection against some idolaters being put to death actually strikes, not simply against Rutherford, Dickson and Fergusson, but against the majority of classical reformed orthodoxy.

(4) Bannerman’s claim that Rutherford, Dickson and Fergusson made an undue “reaction” to the rising English sects of the 1640’s promoting “an absolutely unlimited toleration” is simply false. All three of these men, in the very works of theirs that Bannerman cites, also carefully argue against nuanced positions arguing for a *limited* toleration of sects in an established Christian land; Rutherford, Dickson and Fergusson prove their points, not from their own opinions or minds, but very particularly from the Word of God, that the Word of God itself teaches this. The same is true of the reformed theologians that have already been referenced above showing that secondary doctrines are to be civilly established and upheld by the Christian magistrate in a Christian land. This was

²⁷⁸ See the subsection, ‘[The Magistrate Punishes Crime, Not as Sin, but as Civil Scandals Against Good Order, unto a Judicial Expiation of Positive Order](#)’ on the webpage, ‘Civil Government’ at ReformedBooksOnline.com.

²⁷⁹ Fergusson: “...when the high degree of any sins by divine Law is to be punished by death, common equity will infer that lesser degrees of sin are to be punished by a lesser punishment at least.” *Brief Refutation*, [section 2](#), p. 59.

²⁸⁰ Gillespie, *Wholesome Severity*, p. 4. He also says that “God’s vice-regent, has authority to punish heinous sins against either Table, by civil or corporal punishments...” *Aarons Rod*, bk. 1, Appendix, [p. 67](#) (lt. col., mid).

the standard and common position of the reformed nations of Europe, and her galaxy of reformed theologians, before the English sects ever arose in the 1640's.

(5) When it is understood that the discussions of Rutherford, Dickson and Fergusson's writings that Bannerman cites were largely within the context of an established Christian land, as the writings themselves not infrequently indicate, it is clear that no principles of persecution are found in them, or in any of their other writings that this author is aware of. The reformed writers self-consciously argued against the principles and active practicing of persecution by Romanism. Rutherford, in fact, in the very work that Bannerman cites, devotes chapter 26 to answering the objection, '[Whether Punishing of Seducing Teachers be Persecution for Conscience?](#)' On page 336, Rutherford writes: "But God never commanded in any Law persecution, but hated it, and no more commanded it than his holy laws can be unjust."

The person who is penalized in an established Christian nation, knowing the light of the Truth, who (in accord with his conscience) civilly scandalizes others by external religious acts contrary to the Word of God, is not suffering for his conscience,²⁸¹ or for the Word of God, but is suffering for error that has already been clearly and sufficiently shown to be false and offensive to God, from Him speaking in his Word.

²⁸¹ Durham: "...and, by their authority, inhibit them to vent any such thing; yea under certifications: yet this cannot be called a forcing of their conscience to any religion, but is only the restraining of them from hurting of the consciences of others. 3. When such certifications are contravened, he may and ought to censure the contraveners, and so he may by his authority put them in an incapacity of having access to infect others; yet this is not the censuring of a man's opinion, for he might possess his opinion without censure, but it is the censuring of his disobedience and the prejudice done by him to others: Nor is it the restraining of him from personal liberty because of it, but because he does not, nor will not use his personal liberty without prejudice to the whole body, which is to be preferred to him: even as a man infected with the pestilence ought justly to be restrained, though against his will; yet cannot that be accounted a restraint of just liberty, for it is no just liberty to have liberty to hurt others... and the pretext of following light and conscience cannot make these sins tolerable more than the Nicolaitans [Rev. 2:14-15] pretending the same for their committing adultery and other filthiness: And this is not to punish men's opinions, or force their consciences, but to punish their vices..." *Dying Man's Testimony*, pt. 3, [ch. 14](#), pp. 254-55;

The Free Church & “Persecution”

This change of mindset was not unique to Bannerman, but had previous official precedents in the Free Church herself from near her very birth. In 1846 the Free Church General Assembly passed an act seeking to maintain their Establishment Principle, disclaiming “intolerant and persecuting principles,” upholding “the principles of “liberty of conscience and the right of private judgment,” and so interpreting the Westminster standards and their constitution in such a manner:

“...while the Church firmly maintains the same scriptural principles as to the duties of nations and their rulers in reference to true religion and the Church of Christ, for which she has hitherto contended, she disclaims intolerant or persecuting principles, and does not regard her Confession of Faith, or any portion thereof, when fairly interpreted, as favouring intolerance or persecution, or consider that her office-bearers, by subscribing it, profess any principles inconsistent with liberty of conscience and the right of private judgment.”²⁸²

It certainly is true that the original Westminster standards and the ecclesiastical constitutions of the Scottish Church do not favor intolerance or persecution, and fully uphold liberty of conscience²⁸³ and the right of private judgment,²⁸⁴ however, this act very clearly appears not to be counteracting simply the intolerant and persecuting principles of Romanism and Erastians,²⁸⁵ but the older Reformation view of *circa sacra*.

The specific error here, in implicitly defending denominationalism in Scotland (the renting of Christ’s one Church into untold schisms, and upholding that by civil right), is allowing errors in the liberty of conscience and the right of private judgment, not to be simply internal in the court of conscience before God, but that such false errors *must be*

²⁸² ‘Act anent Questions and Formula, Edinburgh, 1 June 1846, Sess. 24’ in *Acts of the General Assembly of the Free Church of Scotland, convened at Edinburgh, May 1846* (Edinburgh: John Greig, 1846), p. 27. See also on the same theme the official Free Church documents: *Catechism*, [question 87, p. 31](#) and [‘IX. - Act and Declaration anent the Publication of the Subordinate Standards, and other Authoritative Documents of this Church. Edinburgh, 31st May 1851. Session 19.’](#) p. 6.

²⁸³ See the chapter of the WCF on the topic: [ch. 20, ‘Of Christian Liberty, and Liberty of Conscience’](#).

²⁸⁴ See the webpage section, [‘On the Right of Private Discretion’](#).

²⁸⁵ Who truly held to persecuting principles in letting the State administer, or formally oversee, the infliction of spiritual censures for purely ecclesiastical offences with civil penalties.

civilly protected in principle in the external court of man in their outward and civil expressions, despite their civilly detrimental effects. This assumed principle is contrary to the Westminster Confession of Faith, 20.4, in its chapter, 'Of Christian Liberty, and Liberty of Conscience'.²⁸⁶

That shift in principle away from natural, Scriptural and confessional reformed orthodox ethics,²⁸⁷ is the opening of the flood gates to waters that know no bounds. To seek to further limit those floods in any way, shape or form, which all civil governments must, and in fact, do,²⁸⁸ is simply to be inconsistent with the principle itself: such civil restrictions always go against the outward, civil exercise of the "liberty of conscience and the right of private judgment" of the culprits themselves. While various, limited, degrees of civil toleration may be employed in specific circumstances²⁸⁹ for the greater good,²⁹⁰

²⁸⁶ "And because the powers which God hath ordained, and the liberty which Christ hath purchased, are not intended by God to destroy, but mutually to uphold and preserve one another; they who, upon pretence of Christian liberty, shall oppose any lawful power, or the lawful exercise of it, whether it be civil or ecclesiastical, resist the ordinance of God. (Mt. 12:25; 1 Pet. 2:13-14,16; Rom. 13:1-8; Heb. 13:17) And for their publishing of such opinions, or maintaining of such practices, as are contrary to the light of nature, or to the known principles of Christianity, whether concerning faith, worship, or conversation; or to the power of godliness; or such erroneous opinions or practices, as either in their own nature, or in the manner of publishing or maintaining them, are destructive to the external peace and order which Christ hath established in the church; they may lawfully be called to account, (Rom. 1:32 with 1 Cor. 5:1,5,11,13; 2 John ver. 10-11 & 2 Thess. 3:14 & 1 Tim. 6:3-5 & Tit. 1:10-11,13 & Tit. 3:10 with Mt. 18:15-17; 1 Tim. 1:19-20; Rev. 2:2,14-15,20; Rev. 3:9) and proceeded against by the censures of the church, and by the power of the civil magistrate. (Dt. 13:6-12; Rom. 13:3,4 with 2 John 10-11; Ezra 7:23,25-28; Rev. 17:12,16-17; Neh. 13:15,17,21-22,25,30; 2 Kings 23:5,6,9,20-21; 2 Chron. 34:33; 2 Chron. 15:12-13,16; Dan. 3:29; 1 Tim. 2:2; Isa. 49:23; Zech. 13:2-3)"

²⁸⁷ Compare Rutherford's statement of the question in [ch. 4](#) of his *Free Disputation*, pp. 46-47 ff. Such a defining of the issue was not unique or distinctive to Rutherford, but was characteristic of reformed orthodoxy in general, and will be found in the sources of many of the theologians referenced in this Introduction, both in English and Latin.

²⁸⁸ Rutherford gives the example of a person, out of religion, killing and sacrificing their child to their god, *Divine Right*, [ch. 26](#), p. 335. If the state restrains the practice (as the government in America does), it is using civil force against the outward expression of the conscientious religious principles of the person and forbidding the practice of their religion. Other examples include civilly prohibiting polygamy against Mormons, prohibiting false witness contra the beliefs of Satanists, prohibiting muslims from setting up Sharia law against the nation's civil laws, and civilly ignoring the claims of Churches holding that they are not subject to legitimate civil laws that apply equally in principle to the rest of civil society. Durham: "What if under pretext of conscience, magistracy should be denied to be an ordinance of God, and he put therefrom, upon that account, that the people thought it unlawful to obey him?" *Dying Man's Testament*, pt. 3, [ch. 13](#), p. 243.

²⁸⁹ Gillespie, *111 Propositions* #97; See especially the lengthy discussions of Voet, *Ecclesiastical Politics*, vol. 2, pt. 1, bk. 4, tract 1, [chs. 8-10](#).

²⁹⁰ Gillespie: "To distinguish toleration, whether absolute, or hypothetical and conditional, whether anywhere, or in some few certain places only, whether indefinite and general, or limited and bounded, and if bounded, how far and how much: Whether such toleration as may stand with the Solemn League and

unto further reformation,²⁹¹ as the Reformation doctrine of *circa sacra* taught, yet errors are still morally condemnable and not acceptable, do not have an absolute civil right to be upheld in their outward expressions, and the standard for moral and civil government is still the same: the righteousness of God for the external sphere of man.

Conclusion about the Free Church

While the professors and constitutionalists in the Free Church of Scotland fought valiantly to conserve the substance of the Christian magistrate's obligation to civilly establish the true religion in the land through positive, non-coercive means, and they may be regarded as good king Asa, "whose heart was perfect with the Lord all his days," "yet the high places were not removed;" (1 Kings 15:14) and in fact the very existence of the high places was defended under the principle that the magistrate has no right to remove them due to the consciences of those worshipping in the high places. Despite the Free Church professors' noble and sincere attempts to uphold and defend the original Westminster Confession of Faith, yet their reduced Establishment Principle (reflecting the *status quo* of the Church-political arrangement that they had inherited from the 1700's) was a subtle but significant departure from the doctrines of the Westminster Standards.

Numerous of the distinctions about *circa sacra* had been lost, and even opposed, not only by the Erastian opponents of the Free Church, but by the Free Church herself, namely: (1) that Church and State are not only coordinate, but are also in numerous

Covenant, or such as is inconsistent therewith; whether such as is profitable for the public peace, or such as is apparently destructive thereto." *A Late Dialogue*, p. 31.

²⁹¹ Henderson: "The seven years of ensuing providence may carry us far beyond the present intentions, whether of the enemies of religion, or our own, as the seven years past have done, beyond our former intentions and theirs... and God, by his power, brings forth into reality and action. The conception, birth and perfection is all from Himself. When I speak of the future, and that which afterwards may come to pass, my meaning is not that God will always and throughout the whole work, use the same individual instruments. Experience has already proved the contrary. I speak of the collective and successive body, which like a flood runs in a continual course, but the several parts pass by very quickly. Joshua must succeed to Moses, and Eleazar, to Aaron, before the people of God be brought into Canaan; and others must come after them before the Temple be builded: as the course of general providence go on in the world, and of special providence in the Kirk, goes on constantly..." *Lives of Alexander Henderson & James Guthrie with Specimens of their Writings...* (Edinburgh: Committee of the General Assembly of the Free Church of Scotland, 1846), 'A Sermon Preached Before the Lord's & Commons, at Margaret's Church in Westminster, upon Thursday the 18th of July, 1644', 'Dedication', p. 73.

respects subalternate and subordinate to each other; (2) that the magistratical power may civilly command and oblige the Church (as the material Church) to perform her functions in a moral, peaceable and civil way according to the Word of God; (3) that the Christian magistrate may, in ordinary circumstances, *only* civilly enforce order and discipline upon the Church (as the material Church) *consequently* (and not antecedently, contra Erastianism), insofar as the magistrate has received such order and discipline previously from the Church herself; (4) that Church court proceedings may be complained of in some cases to civil courts;²⁹² not the spiritually judged determination of them specific to the Church, but insofar as the proceedings may transgress moral principles common to civil society;²⁹³ (5) that this magistratical power *circa sacra* is cumulative and augmentive only, building up and enforcing the Church power and her liberties, and is not in anyway privative; (6) that a Christian magistrate may civilly oblige professing Christians to an outward observance of God's worship according to the Word, as defined by the Church herself (including in secondary matters). For how these distinctions were broadly applicable to the events of 1834-1843, leading up to the Free Church's exodus from the civil establishment of the State in "The Disruption," see the footnote.²⁹⁴

²⁹² See the *Catechism* ignore and/or deny this in questions 95-98, [p. 33](#).

²⁹³ Rutherford: "...the Church proceeding in these things that are against common justice in all judicatures, no less than in the Church, as to condemn the party never heard, or not convinced [convicted], either by confession or under two sufficient witnesses, or to do manifest injustice in the manner of proceeding, leaves a clear place to the wronged party, by the Law of nature, if not to appeal, yet to flee and have recourse to the Christian Magistrate, who is *Parens Patriae*, the father of the commonwealth." *Divine Right*, [ch. 26, 'Whether Appeals are to be made from the Assemblies of the Church to the Civil Magistrate, King or Parliament?...](#), p. 581; "...in a constitute[d] Church, the sentence or thing sentenced or judged by the Church is subject to the magistrate in a subsequent cognizance, and in a corporal coactive way only: but not in an antecedent cognizance, and by a way of ecclesiastical censuring; we acknowledge a subordination of the Church's sentence to the magistrate, in regard of the magistrate's external care to punish iniquity in any, not in regard of intrinsical judging and dealing with the conscience; the Church is to give a reason of their sentence from the Word of God to the magistrate when he demands it." *Divine Right*, [ch. 25, 'Objections Touching the Subordinations of Magistrate & Church Removed'](#), p. 563; See also the section, ['In What Circumstances One May Complain to the Magistrate About a Church's Ruling, & What the Magistrate May Do About It'](#), on the webpage, 'The Civil Magistrate's Authority Around Spiritual Things (Circa Sacra)'.

²⁹⁴ The later Free Church *Catechism* (1853), respecting these complicated events, argued upon the (radical) ground that the State simply cannot civilly oblige the affairs of the Church, apparently in anyway ([Parts II-V, questions 70-151, pp. 26-46](#)). While acknowledging the extreme difficulty (both theoretical and practical) of what to do, point by point, as things played out in the 1830's and early-1840's, yet the later *Catechism* ought to have argued, especially in hindsight, not that the State has no power to oblige the material Church, but that the magistrate's specific intrusions (1) were about the Church as the Church (and not simply as equal in principle with the rest of civil society), (2) that they were antecedent, and not consequent upon the Church's own determinations, and (3) that the specific exercises of the magistratical

Lastly, it might be added that officers in denominations today that subscribe to the forms of Church government of the old Free Church of Scotland are able, in consistency with their ordination vows, to uphold the Biblical doctrines of *circa sacra*. The fifth question put to persons being ordained as ministers, is:

“Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of Church-officers, distinct from, and not subordinate in its own province to, civil government, and that the Civil Magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ’s Church...?”

The first half of the question is true; the last half of the question, denying power to the magistrate, may be affirmed with respect to things *in sacra*. If the latter half of the question meant that the magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of the Church in civil matters, or *circa sacra* (with its various qualifications), then it simply would be denying the reformed orthodox doctrine of the Reformation contrary to its own constitutional standards (2nd Book of Discipline, [ch. 1.8-16](#); [ch. 10](#); [ch. 11.1](#); WCF, [ch. 23.3](#)). However, as the meaning of the second half of the question is left without further definition, and is capable of being affirmed in various senses, it ought to be interpreted with the Church’s own constitution and the light of nature (WCF, [ch. 1.6](#)); and hence it ought *not* to be interpreted in a manner different from the Biblical and confessional doctrine of *circa sacra*.

Further, as the light of nature, Scripture and historic reformed theology teach that all vows presuppose, and must be, and are, qualified by natural and moral law and the Word of God,²⁹⁵ so this ordination vow can only bind insofar as it is in accord with the truths of the doctrine of Scripture regarding *circa sacra*. All Churches today, including

power was not for the good of the Church, and therefore was contrary to the Word and was not of God. Upon these grounds, amongst others, in-line with *circa sacra* and the Word of God’s teaching about Church-State relations, the Free Church could still have come out of the then current, *de facto*, establishment of the State, if her exercise outside of it would be more for the greater good than her continued exercise under it.

²⁹⁵ Rutherford: “Exigencies of the law of nature cannot be set down in positive covenants: they are presupposed.” *Lex, Rex*, question 24, [p. 118](#) (lt. col. mid-top). For more, see the section, ‘[All Vows are Qualified](#)’ on the webpage, ‘On Oaths & Vows’ at [ReformedBooksOnline.com](#).

those deriving from the historic Free Church of Scotland, need to be reformed more into accord with the Word of God.

Conclusion of the Whole

The Word prophesies that kings and governments will shut their mouths before the Messiah (Isa. 52:13), fall on their faces (Isa. 49:23) and serve the Church (Isa. 60:12), that humble, defenseless bearer of salvation in this world. Isaiah spoke of the Church in the New Testament, saying, “the sons of strangers shall build up thy walls, and their kings shall minister unto thee... Thou shalt also suck the milk of the Gentiles, and shalt suck the breast of kings.” (Isa. 60:10,16) Campegius Vitringa wrote upon the former verse:

“...princes and nobles shall protect and promote religion, shall honor and cherish her ministers, procure necessary support for her schools and seminaries, defend and agent the cause of the Church, and, without offering violence to consciences, shall, according to the rule of the Gospel, employ their authority and means for the increase and enlargement of the Church.”²⁹⁶

So far from the catholic, reformed orthodox, confessional doctrine of *circa sacra* being obscure or irrelevant, as the Word of God never changes, it will be the standard when the Holy Spirit is poured out in greater measure in this earth through the Gospel, and nations and governments are further brought into Christ’s Kingdom (Ps. 22:27-28; 72:17; Isa. 2:2-4; 11:9; 19:18-19; Zech. 14:16; Mt. 13:31-33; Rom. 11:12,15; 1 Cor. 15:25; Rev. 11:15). In Scripture, the “gates” of a city often metaphorically signify the magistrates that held assemblies near them. So numerous puritan commentators interpreted the familiar prophecy, which we pray for in singing Ps. 24:7, as “Open your gates, ye princes!... and the King of Glory shall come in!”

The civil government’s obligations to the true religion and the Church is founded on two main pillars that must be re-setup in this earth: (1) There is objective truth, and

²⁹⁶ Campegius Vitringa, *Commentarius in Librum Prophetiarum Jesaiae...* (Herborne, 1722), vol. 2, p. 946 (lt. col. mid.), trans. Thomas Houston in *The Christian Magistrate*, no page number.

there are objective, establishable truths about God; (2) All authority is from God and is only to be used for what is good, right and true. That which is erroneous, corrupt and false does not have an equal claim and entitlement upon God or his magistrate's civil liberties, protections, rights and benefits. Authority and power is to be used in one direction only, and not for subsidizing that which is contrary to God's Will.

These two pillars, combined with the inherent differences between the physical kingdoms of this world and the spiritual, but visible, Kingdom of Christ, necessitate the following summary distinctions²⁹⁷ regarding the magistrate's power around religion and the Church:

It is not of the essence of religion, but for its benefit and support; it confirms Christianity only where it is, it being a privilege and responsibility of Christians to use natural power in a Christian way for Christians; Christianity may only be spread by the Gospel and not civil power; the civil power about religion is from God the Creator and is to be directed to the glory of Christ the Mediator (when He is so revealed) and his Kingdom, first before all other concerns (Mt. 6:33); the Christian civil government may and ought to profess Christ and the true religion in the administration of their government, though the authority and power by which it acts remains that of God the Creator; the magistrate is the civil head of the civil polity, which includes the material Church as civil subjects, but the Church's lone visible and invisible, life-giving Head, as she is the Church, is Jesus Christ her Savior, Lord and Lawgiver in Heaven.

The civil power about religion includes in its design the glory of God and the spiritual welfare of the people through civil, outward means; it is only protective, cumulative and augmenting unto what is good, right and true, and may not subtract, suppress or take therefrom; it is objective, mediate and indirect, not formal, immediate or direct; it is over the Church in civil matters, in things that apply equally in principle to all society; it is to preserve and civilly promote the full liberties of Christ's presbyterian Church, including the Church's own internal order, government and full exercise unto its spiritual mission (Mt. 28:18-20).

²⁹⁷ For an even more concise setting forth of the tenets of *circa sacra*, see the Scottish 2nd Book of Discipline, [ch. 1.8-16](#); [ch. 10](#); [ch. 11.1](#).

The civil government's power about religion takes its measure from the Word of God, through the necessary instrument of the conscience of the magistrate (in ordinary circumstances instructed by Church guides); it may only negatively compel and discipline against sin and omissions from what is right (a negative coercion), it may not positively, physically compel unto what is good (a positive coercion), though it may and ought to promote the good with praise and civil benefits; it may by the light of nature and the Word restrain unbelievers from breaking the First Table of the Law as much as the Second Table, but it emphatically may not be used unto their acceptance of the Gospel (though it may negatively compel them to the hearing of the Gospel), nor may it compel unbelievers (in any way) unto outward acts of Christian worship.

In extraordinary situations the civil power about religion may antecedently set the Church in order according to the Word; it may require the counsel of Church governors upon sufficient natural warrant; in ordinary circumstances it must act only consequently either to uphold or decline to civilly enforce the Church's own determinations (the Church alone having authority *in sacra*, including defining doctrine and ordering the Church) according to the Word of God; it is civilly legislative about the Church in the nation, but it is not legislative in the Church ecclesiastically; it brings not forth spiritual censures; it is corroborative, it does not annul the Church's determinations; it does not elicit spiritual powers, but does, as the fallible vice-regent of God, externally command and enforce them from those to whom they pertain; it is not morally suasive, but is physically compelling; it designs not inward spiritual works, but only right outward observance; it may judge of the evident abuse of the ministry according to civil scandal,²⁹⁸ but has not authority over the ministry simply, nor can it judge of the spiritual manner that religious exercises are performed in; it may receive complaints from Church proceedings that are unjust according to moral, civil principles, but it may not speak to the spiritual judgments of the Church as they pertain to the Church.

²⁹⁸ Scottish 2nd Book of Discipline, [ch. 11](#): "1. As it is the duty of the godly magistrate to maintain the present liberty which God of his mercy has granted to the preaching of his word, and the true administration of the sacraments within this realm; so it is to provide that all abuses which as yet remain in the kirk be removed, and utterly taken away."

The magistrate's power around religion has not power over the conscience, or to require blind obedience; the exercise of the power is conditioned upon sufficient, right reasons being manifest to consciences; it may civilly hold Christians to their baptismal vows and their obligations to the true religion, including civilly disciplining them for a lack of regularly observing the ordinances of the Church (without sufficient warrant); it may and ought to uphold the secondary doctrines of the Word provided by the Church, including in restraining the civilly disturbing publishing of opinions contrary thereto or against the light of nature; it is to use various degrees of restraint and deterrents according to the proportion of the offense; it may and ought to uphold right Church discipline with civil discipline if persons are not compliant therewith.²⁹⁹

The magistratical power may and ought to rely on Church guides for spiritual and moral guidance about its civil affairs; it is subordinate in its exercise, in a Christian nation, to the spiritual censures of the Church; it is not a power in spiritual things, but is only a civil power around spiritual things, or, it is *circa sacra*.

Hence, as Fergusson said with respect to the ecclesiastical governing of the Church, "Now, by all that is said ye may easily perceive that we give to Caesar that which is Caesar's, although we give him not what is God's: We give him much power about the Church, but not the power of governing the Church."³⁰⁰

We must return to God and his Word for what He reveals about the relationship between His Church and the states of this world; no other certain foundation is laid. Use the linked resources in the footnotes of this Introduction to learn more fully what the Word teaches on the subject. Don't settle for ignorance and apathy: Set the Lord's commandments before you; try all things by them. Don't be swindled into believing errors and half-truths. May God's Word be your light and your standard, and may the following, excellent piece by the London ministers richly open up to you new and old things out of God's Word to live by.

²⁹⁹ Scottish 2nd Book of Discipline, [ch. 10](#): "4. To assist and maintain the discipline of the kirk, and punish them civilly that will not obey the censure of the same; always without confounding the one jurisdiction with the other;" Gillespie, *111 Propositions* #61, 94, 96, 110.

³⁰⁰ Fergusson, *Brief Refutation*, [section 3](#), 'A Brief Refutation of the Doctrine of Erastianism', p. 107.

A Section of the London Presbyterians' *Divine Right of Church Government*:³⁰¹

Outline

Power granted by the Reformed Churches to the Magistrate about [*circa*] Church Affairs:

I. A defensive, protecting, patronizing power

1. Removing all external impediments of true religion and worship of God by his civil power
2. Countenancing, advancing and encouraging by his authority and example the public exercise of all God's ordinances and duties of religion
3. Supplying the Church with all external necessities, provisions, means, and worldly helps in matters of religion

II. An ordering, regulating power about ecclesiastical matters in a political way

1. Reforming the Church when corrupted in divine worship, discipline or government
2. Convening ecclesiastical councils to consult and conclude determinatively according to the Word how the Church is to be reformed and governed
3. Supporting the laws of God of both Tables with his authority, enjoining under civil penalties all to observe the same, and ratifying and establishing by his civil sanction the just decrees of the Church in councils (which are agreeable to God's Word)
4. Judging and determining definitively with a consequent political judgment, concerning the things judged and determined antecedently by the Church, in reference to his own act

³⁰¹ London Presbyterian Ministers, *Jus Divinum, the Divine Right of Church Government...* (1646, 1647, 1654; NY: Robert Martin & Co., 1844), pt. 2, ch. 9, [section 1, 'Of the Proper Receptacle & Distinct Subject of All this Power & Authority of Church Government... That the Political Magistrate is Not the Proper Subject of this Power'](#). The text has been very lightly edited and compared with: *Jus Divinum Regiminis Ecclesiastici: the Divine Right of Church-Government...* ed. David W. Hall (Dallas, TX: Naphtali Press, 1995), 72-82. All text and footnotes in [brackets] is that of Travis Fentiman.

5. Takes care politically that matters formally ecclesiastical be duly managed by ecclesiastical persons orderly called thereto

III. A compulsive, coactive, punitive or corrective power, formally political, about matters of religion; he may politically compel the outward man of all persons, including church officers, unto external performance of their duties in matters of religion

2nd Table

1st Table

New Testament

The View of Romanism

IV. A cumulative power, not privative: adding to, not detracting from any liberties or privileges granted her from Christ

V. An objective or objectively ecclesiastical power, as being exercised about objects ecclesiastical, but politically, not ecclesiastically

Confessions of the Reformed Churches

Swiss

French

Scottish

Belgic

Bohemian

German

Conclusion

The Civil Government's Authority about Religion & the Church, *Circa Sacra*

Much power is granted by the reformed churches and orthodox writers to the political magistrate in reference to church affairs. Take it in these particulars:

I. A defensive, protecting, patronizing³⁰² power to the church, and all the members thereof. "Kings shall be thy nursing-fathers..." (Isa. 49:23). "The magistrate is the minister of God for good to well-doers, as well as the avenger, executing wrath upon evil-doers; a terror not to good works, but to the evil," (Rom. 13:3-4); he is called an "heir", or, "possessor of restraint," to put men to shame (Judg. 18:7). And as the church ought to pray for kings and all in authority, so consequently all in authority should endeavor to defend it, that the Church and people of God "should lead a quiet and peaceable life" (under the wing of their protection) "in all godliness and honesty," (1 Tim. 2:1-2); and this is evident from the end and scope of these prayers here prescribed, as interpreters unanimously agree.³⁰³ And hereupon are those promises to the church, "The sons of strangers shall build up thy walls, and their kings shall minister unto thee," (Isa. 60:10) "and thou shalt suck the breast of kings," (Isa. 60:16). Now, this nursing, protecting care of magistrates towards the church, puts forth itself in these or like acts, namely:

1. He removes all external impediments of true religion, worship of God, etc., by his civil power, whether persons or things, whether persecutions, profaneness, heresy, idolatry, superstition, etc., that truth and godliness may purely flourish: as did Jehoshaphat, Asa, Hezekiah, Josiah. And hereupon it is that God so oft condemns the not removing and demolishing of the high places and monuments of idolatry (1 Kings 15:14 with 2 Chron. 15:17; 1 Kings 22:44; 2 Kings 12:3) and highly commends the contrary in Asa (2 Chron. 15:8,16), in Jehoshaphat (2 Chron. 17:3-4,6-10), in Hezekiah (2 Chron. 31:1; 2 Kings 18:4), in

³⁰² [A "patron" is defined as, "One who countenances, supports or protects... one who takes under his favour and protection, or lends his influential support to advance the interest of..." by *The Compact Edition of the Oxford English Dictionary: Complete Text Reproduced Micrographically*, vol. 2 (P-Z) (Oxford University Press, 1971), 561.]

³⁰³ See Calvin, *in loc.* [[Commentary on 1 Timothy Ch. 2](#), verse 2]; Beza, *Annotations in loc.*; Vorstius [an Arminian], [Commentary on 1 Tim. 2:2](#).

Manasseh (2 Chron. 33:15) and in Josiah (2 Kings 23:8,13,19-20,24), whereupon the Holy Ghost gives him that superlative commendation above all kings before and after him (v. 25).

2. He countenances, advances and encourages by his authority and example the public exercise³⁰⁴ of all God's ordinances and duties of religion within his dominions, whether in matter of divine worship, discipline, and government, maintaining for the Church the fullness of spiritual liberties and privileges communicated to her from Christ, as did Asa (2 Chron. 15:9-16), Jehoshaphat (2 Chron. 20:7-9), Hezekiah (2 Chron. 29-31 throughout) and Josiah (2 Chron. 34-35). And to this end God prescribed in the law that the king should still have a copy of the law of God by him therein to read continually (Dt. 17:18-20), because he was to be not only a practicer, but also a protector thereof, *Custos Tabularum*, 'A Keeper of Both Tables' [of the Ten Commandments].
3. He supplies the Church with all external necessities, provisions, means, and worldly helps in matters of religion, as: convenient public places to worship in, sufficient maintenance for ministers (as the Scripture requires, 1 Tim. 5:17-18; 1 Cor. 9:6-15; Gal. 6:6),³⁰⁵ schools and colleges, for promoting of literature, as nurseries to the prophets, etc.,³⁰⁶ together with the peaceable and effectual enjoyment of all these worldly necessities, for the comfortably carrying on of all the public ordinances of Christ. Thus David prepared materials, but Solomon built the temple (1 Chron. 22). Hezekiah commanded the people that dwelt in Jerusalem to give the portion of the priests and the Levites, that they might be encouraged in the law of the Lord; and Hezekiah himself and his princes came and saw it performed (2 Chron. 31:4-8): Josiah repaired the house of God (2 Chron. 34).

³⁰⁴ *Cum magistratus in sacris literis dii nominentur, omnium prima et potentissima ipsorum cura esse debet, tali pacto Deo servire, ut regnum eius in imperiis suis innotescat, crescat, conservetur.* The Magdeburg Centuries, Century 7, Dedicatory Epistle [p. 4]. "As godly magistrates are named in the sacred pages, their first care of all, and greatest, ought to be, to serve God by a kind of pact, so his Reign may be made known in his rulings and grow and be maintained."

³⁰⁵ [For more on this topic, see Travis Fentiman, 'Intro: Should We Tithe?', 'The Role of the Civil Magistrate' on the webpage 'Tithes & Offerings' at ReformedBooksOnline.com.]

³⁰⁶ [See the Scottish First Book of Discipline (1560), 5th Head, 'For the Schools' & 'The Necessity of Schools', etc.]

Nor need the magistrate think scorn, but rather count it his honor to be an earthly protector of the Church, which is the body of Christ, the Lamb's wife, for redeeming of which Christ died, and for the gathering and perfecting of which the very world is continued.

II. An ordering, regulating power is also allowed to the magistrate about ecclesiastical matters in a political way, so that he warrantably:

1. Reforms the Church when corrupted in divine worship, discipline or government, as did: Moses (Ex. 32), Joshua (Josh. 24), Asa (2 Chron. 15), Jehoshaphat (2 Chron. 17), Hezekiah (2 Kings 18) and Josiah (2 Kings 23; 2 Chron. 34).
2. Convenes or convokes synods and councils made up of ecclesiastical persons to consult, advise and conclude determinatively according to the Word how the Church is to be reformed and refined from corruptions, and how to be guided and governed when reformed, etc. For:

(1) Pious magistrates³⁰⁷ under the Old Testament called the Church together and convened councils: David, about bringing back the ark (1 Chron. 13:1-2, and another council when he was old, 1 Chron. 13:1), Solomon (1 Kings 8:1), Hezekiah (2 Chron. 29:4) and Josiah (2 Kings 23:1-2).

(2) All ought to be subject to superior powers who ought to procure the public peace and prosperity of the Church (Rom. 13:1-2 ff.; 1 Pet. 2:13-17; 1 Tim. 2). Therefore superior powers may convocate councils.

(3) Christian magistrates called the four general councils: Constantine, the first Nicene council [A.D. 325], Theodosius, Sr., the first council of Constantinople [381], Theodosius, Jr., the first Ephesian council [431] and Marcian the emperor, the Chalcedon council [451]; and,

(4) Hereunto antiquity subscribes, as Dr. Whitaker observes.³⁰⁸

³⁰⁷ See [William] Whittaker in his *De Susius Differentem, Controversia de Conciliis*, question 2, [ch. 3](#).

³⁰⁸ [William Whitaker, '[Secunda question, A quo et cuius autoritate cogenda sunt Concilia](#)' in *Praelectiones... In quibus tractatur Controversia de Concilijs contra Pontificios, imprimis Robertum Bellarminum Iesuitam, in sex Quaestiones...* (Cambridge, Iohannes Legat, 1600), 27-54]

3. Supports the laws of God with his secular authority, as a keeper of the Tables, enjoining and commanding, under civil penalties, all under his dominion, strictly and inviolably to observe the same, as: "Josiah made all that were present in Israel to serve the Lord their God," (2 Chron. 34:33), Nehemiah made the Sabbath to be sanctified and strange wives to be put away (Neh. 12:13 ff.). Yea, Nebuchadnezzar, a heathen king, decreed that, "Whosoever should speak amiss of the God of Shadrach... should be cut in pieces, and their houses made a dunghill," (Dan. 3:28-29).³⁰⁹ And Darius decreed, "That in every dominion of his kingdom men tremble and fear before the God of Daniel..." (Dan. 6:26-27).

And as he strengthens the laws and ordinances of God by his civil authority, so he ratifies and establishes within his dominions the just and necessary decrees of the Church in synods and councils (which are agreeable to God's Word) by his civil sanction.

4. Judges and determines definitively with a consequent political judgment,³¹⁰ or judgment of political discretion, concerning the things judged and determined antecedently by the Church, in reference to his own act. Whether he will approve such ecclesiasticals or not, and in what manner he will so approve, or do otherwise by his public authority; for he is not a brutish agent (as papists would have him) to do whatsoever the Church enjoins him unto blind obedience, but is to act prudently and knowingly in all his office; and therefore the judgment of discerning (which belongs to every Christian, for the well-ordering of his own act) cannot be denied to the Christian magistrate in respect of his office.
5. Takes care politically that even matters and ordinances merely and formally ecclesiastical be duly managed by ecclesiastical persons orderly called thereto. Thus Hezekiah commanded the priests and Levites to do their duties (2 Chron. 29:5,24) and the people to do theirs (2 Chron. 30:1); and for this he is commended, that therein he did cleave unto the Lord, and observed his

³⁰⁹ [While the natural equity in Nebuchadnezzar's decree is to be commended, the severity of it is not.]

³¹⁰ Apollonius, *Jus Maiestatis*, pp. 5, 7, 9 [quoting Voet].

precepts which he had commanded Moses (2 Kings 18:6). Thus when the king is commanded to observe and do all the precepts of the law, the Lord (as orthodox divines do judge) intended that he should keep them, not only as a private man, but as a king, by using all care and endeavor that all his subjects with him perform all duties to God and man (Dt. 17:18-20).

III. A compulsive, coercive, punitive or corrective power, formally political, is also granted to the political magistrate in matters of religion, in reference to all sorts of persons and things under his jurisdiction. He may politically compel the outward man of all persons, church officers or others under his dominions unto external performance of their respective duties and offices in matters of religion, punishing them, if either they neglect to do their duty at all or do it corruptly, not only against equity and sobriety (contrary to the Second Table), but also against truth and piety (contrary to the First Table of the Decalogue). We have sufficient intimation of the magistrate's punitive power in cases against the Second Table, as:

(5) The stubborn and rebellious, incorrigible son (that was a glutton and a drunkard, sinning against the Fifth Commandment) was to be stoned to death (Dt. 21:18-21).

(6) The murderer, sinning against the Sixth Commandment, was to be punished with death (Gen. 9:6; Num. 35:30-34; Dt. 10:11-13).

(7) The unclean person, sinning against the Seventh Commandment, was to be punished with death (Lev. 20:11-12,14,17,19-25, and before that, see Gen. 38:24). Yea, Job, who is thought to live before Moses, and before this law was made, intimates that adultery is a heinous crime, yea, it is an iniquity to be punished by the judges (Job 31:9,11).³¹¹

(8) The thief, sinning against the Eighth Commandment, was to be punished by restitution (Ex. 22:1,15,ff.).

³¹¹ Mercerus, *Commentary* on Job 31:11.

(9) The false witness, sinning against the Ninth Commandment, was to be dealt withal as he would have had his brother dealt with, by the law of retaliation (Dt. 19:16 to the end of the chapter, etc.).

Yea, the magistrate's punitive power is extended also to offences against the First Table, whether these offences be:

(1) Against the First Commandment, by false prophets teaching lies, errors and heresies in the name of the Lord, endeavoring to seduce people from the true God. "If there arise among you a prophet, or a dreamer of dreams, that prophet, or that dreamer of dreams shall be put to death, because he hath spoken to turn you away from the Lord your God, which brought you out of the land of Egypt..." (Dt. 13:1-6). From which place Calvin notably asserts the punitive power of magistrates against false prophets and impostors that would draw God's people to a defection from the true God, showing that this power also belongs to the Christian magistrate in like cases now under the gospel.³¹²

Yea, in case of such seducement from God, though by nearest allies, severe punishment was to be inflicted upon the seducer (Dt. 13:6-12). See also verse 12 to the end of the chapter, how a city is to be punished in the like case. And Mr. Burroughs, in his *Irenicum*, shows that this place of Deut. 13:6 ff., belongs even to us under the gospel.³¹³

(2) Or whether these offences be against the Second Commandment, the magistrate's punitive power reaches them (Dt. 17:1-8; Lev. 17:2-8); 2 Chron.

³¹² [John Calvin, *Commentary on Deut. ch. 13*, verse 5; idem, *The Sermons of M. Iohn Caluin vpon the Fifth Booke of Moses called Deuteronomie...* (London: Henry Middleton for George Bishop, 1583), [87th sermon](#), [2nd on ch. 13](#), 537-38 & [88th sermon](#), [3rd on ch. 13](#), 541.]

³¹³ "Let not any man put off this Scripture saying, 'This is in the Old Testament, but we find no such thing in the gospel;' for we find the same thing, almost the same words used in a prophecy of the times of the gospel, Zech. 13:3. In the latter end of the 12th chapter it is prophesied that those who pierced Christ, should look upon Him and mourn, etc., having a spirit of grace and supplication poured upon them, ch. 13:1. 'There shall now be opened a fountain for sin, and for uncleanness,' v. 3. 'It shall come to pass that he that takes upon him to prophesy, that his father and mother that begat him, shall say unto him, 'Thou shalt not live, for thou speakest lies in the name of the Lord;' and his father and his mother that begat him, shall thrust him through, when he prophesieth.' You must understand this by that in Deuteronomy. The meaning is not that his father or mother should presently run a knife into him, but that though they begat him, yet they should be the means to bring him to condign punishment, even the taking away his life; these who were the instruments of his life, should now be the instruments of his death." Jeremiah Burroughs, *Irenicum*, ch. 5, [pp. 19-20](#).

15:13,16, "[And also concerning] Maachah, the mother of Asa the king, he removed [her] from being queen, because she had made an idol in a grove;" Job 31:26-28, herewith compare Ex. 8:25-26).

(3) Or whether the offences be against the Third Commandment, "And thou shalt speak unto the children of Israel, saying, 'Whosoever curseth God shall bear his sin: and he that blasphemeth the name of the Lord he shall surely be put to death, and all the congregation shall certainly stone him, as well the stranger as he that is born in the land, when he blasphemeth the name of the Lord shall be put to death,'" (Lev. 24:15-16). Yea, the heathen king Nebuchadnezzar made a notable decree to this purpose, against blaspheming God, saying, "I make a decree, that every people, nation, and language, who speak anything amiss against the God of Shadrach, Meshech and Abednego shall be cut in pieces and their houses shall be made a dunghill," (Dan. 3:29); and the pagan magistrate, king Artaxerxes, made a more full decree against all contempt of the law of God: "And whosoever will not do the law of thy God," says he to Ezra, "and the law of the king, let judgment be executed speedily upon him, whether it be unto death or to banishment, or to confiscation of goods³¹⁴ or to imprisonment;" and Ezra blesses God for this (Ezra 7:26-27).

The New Testament

Besides all this light of nature and evidence of the Old Testament, for the ruler's political punitive power for offences against God, there are diverse places in the New Testament showing that a civil punitive power rests still in the civil magistrate. Witness those general expressions in those texts: Rom. 13:3-4: "Rulers are not a terror to good works, but to the evil. If thou do that which is evil, be afraid, for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil." 1 Pet. 2:13-14, "Submit yourselves unto every ordinance of man for the Lord's sake,

³¹⁴ [That the magistrate had just power for the confiscation of the goods of a law-breaker, upon just grounds, was the common reformed doctrine of the Post-Reformation era. If the magistrate has power over the external lives and bodies of his subjects, even unto death (Rom. 13:4), upon just grounds, then he also has power, upon just grounds, over his goods as they relate to the commonwealth. This is paralleled today in the magistrate fining persons for civil violations, and even confiscating their goods, with a warrant, for the purpose of investigating their crime.]

whether it be to the king as to the supreme, or unto governors which are sent for the punishment of evil-doers,³¹⁵ and the praise of them that do well."

Now (as Mr. Burroughs notes),³¹⁶ seeing the Scripture speaks thus generally, except the nature of the thing require, why should we distinguish where the Scripture does not? so that these expressions may be extended to those sorts of evil-doing against the First as well as against the Second table: against murdering of souls by heresy as well as murdering of men's bodies with the sword; against the blaspheming of the God of heaven as well as against blaspheming of kings and rulers that are counted gods on earth. That place seems to have much force in it to this purpose, Heb. 10:28-29:

"He that despised Moses' law, died without mercy under two or three witnesses. Of how much sorer punishment, suppose ye, shall he be thought worthy who hath trodden underfoot the Son of God, and hath counted the blood of the covenant, wherewith he was sanctified, an unholy thing, and hath done despite unto the Spirit of grace?"

Yea, what deserve such as deny the Spirit to be of God?

The View of Romanism

Papists exempt their clergy from the judgment of the civil power (though they be delinquents against it) and their states, both civil and spiritual, from civil taxes, tributes, and penalties, both which [papal positions] we deny to ours, for:

- (1) This is repugnant to the law of nature, that church officers and members, as parts and members of the commonwealth, should not be subject to the government of that commonwealth whereof they are parts.
- (2) [This is] repugnant to the laws and practices of the Old Testament, under which we read of no such exemptions. Yea, we have instance of Abiathar the high-priest, who, for his partnership with Adonijah in his rebellion, was exiled by

³¹⁵ But schismatics and heretics are called evil-workers, Phil. 3:2; and heresy is classed among the works of the flesh, Gal. 5:20.

³¹⁶ Burroughs, *Irenicum*, ch. 5, [p. 25](#).

king Solomon, and so consequently deprived of the exercise of his office (1 Kings 2:26-27).

- (3) [This is] inconsistent with our Savior's example, who, as subject to the law, held himself obliged to pay tribute to avoid offence (Mt. 17:26), which was an active scandal; and He confesses Pilate's power to condemn or release Him was given Him from above (John 19:11).
- (4) And finally, [this is] contrary to the apostolical precepts, enjoining all to be subject to superior powers (Rom. 13:1-4; 1 Pet. 2:13-15).

Now, all the former power that is granted, or may be granted to the magistrate about religion, is only cumulative and objective, as divines used to express it. Thus, understand them:

IV. Cumulative, not privative: adding to, not detracting from any liberties or privileges granted her from Christ. The heathen magistrate may be a nurse-father (Isa. 49:23; 1 Tim. 2:2); he may not be a step-father. He may protect the Church, religion, etc. and order many things in a political way about religion; he may not extirpate or persecute the Church; he may help her in reformation; he may not hinder her in reforming herself, convening synods in herself (as in Acts 15, etc.) if he will not help her therein, otherwise her condition were better without than with a magistrate. The Christian magistrate much less ought to hinder her therein, otherwise her state were worse under the Christian than under the pagan magistrate.

V. Objective or objectively ecclesiastical,³¹⁷ as being exercised about objects ecclesiastical, but politically, not ecclesiastically. His proper power is *about* [*circa*], not *in* religious matters [*in sacra*]. He may politically, outwardly exercise his power about objects or matters spiritual, but he may not spiritually, inwardly, formally act any power in the Church. He may act in church affairs as did Asa, Jehoshaphat, Hezekiah, Josiah, but not as did Korah, Saul, Uzzah or Uzziah. He is an overseer of things without, not of

³¹⁷ [The Naphtali edition adds "external, and indirect".]

things within.³¹⁸ And in a word, his whole power about church offices and religion is merely, properly and formally civil or political.³¹⁹

The Confessions of the Reformed Churches

Nor is this only our private judgment or the opinion of some few particular persons touching the granting or bounding of the magistrate's power about matters of religion; but with us we have the suffrage of many reformed churches, who, in their Confessions of Faith published to the world, do fully and clearly express themselves to the same effect:

The Helvetian [Swiss] church, thus:³²⁰ "Since every magistrate is of God, it is (unless he would exercise tyranny) his chief duty, all blasphemy being repressed, to defend and provide for religion, and to execute this to his utmost strength, as the prophet teaches out of the Word; in which respect the pure and free preaching of God's word, a right, diligent, and well-instituted discipline of youth, citizens and scholars, a just and liberal maintenance of the ministers of the Church and a solicitous care of the poor (whereunto all ecclesiastical means belong) have the first place. After this, etc."

The French churches, thus:³²¹ "He also therefore committed the sword into the magistrates' hands, that they might repress faults committed not only against the Second Table, but also against the First... therefore we affirm, that their laws and statutes ought to be obeyed, tribute to be paid and other burdens to be borne, the yoke of subjection voluntarily to be undergone, yea, though the magistrates should be infidels, so long as

³¹⁸ [The early Church Father, Eusebius (d. 339) had recorded in his *Life of Constantine the Great* (Bk. 4, [ch. 24](#)) that Constantine told a group of bishops, "that he himself too was a bishop... You are bishops whose jurisdiction is within the Church: I also am a bishop [overseer], ordained by God to overlook whatever is external to the Church." Eusebius went on to say, "for he watched over his subjects with an episcopal [overseer's] care, and exhorted them as far as in him lay to follow a godly life." This of itself, in a civil respect, is consistent with the reformed *circa sacra* teaching; the reformed argued against Erastian interpretations of it.]

³¹⁹ See this evidenced upon diverse grounds in Willem Appollonius, *Jus Maiestatis Circa Sacra, sive Tractatus Theologicus, de jure Magistratus circa res ecclesiasticas...* (Middelburg, 1642), ch. 2, [pp. 25-26](#).

³²⁰ [First Helvetic Confession (1536), ch. 26, 'Concerning the Magistrate']

³²¹ [The French Confession (1559), article 39, 'Authority of Magistrates' & article 40, 'Obedience to Magistrates']

the supreme government of God remains perfect and untouched (Mt. 24; Acts 4:17,19; Jude 8)."

The Church of Scotland, thus:³²² "Moreover we affirm that the purging and conserving of religion is the first and most especial duty of kings, princes, governors and magistrates. So that they are ordained of God not only for civil polity, but also for the conservation of true religion, and that all idolatry and superstition may be suppressed: as is evident in David, Jehoshaphat, Josiah, Hezekiah and others, adorned with high praises for their singular zeal."

The Belgic Church, thus:³²³ "Therefore he has armed the magistrates with a sword, that they may punish the bad and defend the good. Furthermore, it is their duty not only to be solicitous about preserving of civil polity, but also to give diligence that the sacred ministry may be preserved, all idolatry and adulterate worship of God may be taken out of the way, the kingdom of Antichrist may be pulled down, but Christ's kingdom propagated.

"Finally, it is their part to take course that the holy Word of the gospel be preached on every side, that all may freely and purely serve and worship God according to the prescript of his word. And all men, of whatsoever dignity, condition, or state they be, ought to be subject to lawful magistrates, to pay them tribute and subsidies, to obey them in all things which are not repugnant to the word of God; to pour out prayers for them, that God would vouchsafe to direct them in all their actions, and that we may under them lead a quiet and peaceable life in all godliness and honesty.

"Wherefore we detest the Anabaptists and all turbulent men who cast off superior dominions and magistrates, pervert laws and judgments, make all goods common, and finally abolish or confound all orders and degrees which God has constituted for honesty's sake among men."

The Church in Bohemia, thus:³²⁴ "They teach also that it is commanded in the Word of God that all should be subject to the higher powers in all things, yet in those things only which are not repugnant to God and his Word. But as touching those things

³²² [The Scottish Confession of Faith (1560), ch. 24, 'Of the Civil Magistrate']

³²³ [The Belgic Confession (1561), ch. 36, 'Of Magistrates']

³²⁴ [The Bohemian Confession (1535), article 16, 'Secular Power']

which concern men's souls, faith and salvation, they teach that men should hearken only to God's Word, etc., his ministers, as Christ Himself says, 'Render to Caesar the things that are Caesar's, and to God those things that are God's.' [Mt. 22:21] But if any would compel them to those things which are against God, and fight and strive against his Word, which abides forever, they teach them to make use of the apostle's example, who thus answered the magistrate at Jerusalem: 'It is meet' (say they) 'to obey God rather than men'."

Finally, the church in Saxony has expressed herself notably in this point, saying, among many other passages, "God will have all men, yea, even unregenerate men, to be ruled and restrained by political government. And in this government the wisdom, justice, and goodness of God to mankind do shine forth. His wisdom, order declares, which is the difference of virtues and vices, and the consociation of men by lawful governments and contracts ordained in wonderful wisdom. God's justice also is seen in political government, who will have manifest wickednesses to be punished by magistrates; and when they that rule punish not the guilty, God Himself wonderfully draws them to punishment, and regularly punishes heinous faults with heinous penalties in this life, as it is said, He that takes the sword shall perish by the sword; and, whoremongers and adulterers God will judge. God will have in these punishments the difference of vices and virtues to be seen; and will have us learn that God is wise, just, true, chaste.

"God's goodness also to mankind is beheld, because by this means He preserves the society of men, and therefore He preserves it that thence the Church may be gathered, and will have polities to be the Church's inns. Of these divine and immoveable laws, which are testimonies of God, and the chief rule of manners, the magistrate is to be keeper in punishing all that violate them. For the voice of the law, without punishment and execution, is of small avail to bridle and restrain men; therefore it is said by Paul, The power should be a terror to evil works, and an honor to the good [Rom. 13:3]. And antiquity rightly said, The magistrate is the keeper of the law, both of the First and Second Table, so far as appertains to good order.

"And though many in their governments neglect the glory of God, yet this ought to be their chief care, to hear and embrace the true doctrine touching the Son of God, and to foster the churches, as the psalm says, 'And now understand, ye kings, and be instructed,

ye judges of the earth' [Ps. 2:10]. Again, 'Open your gates, ye princes,' [Ps. 24:7]³²⁵ that is, Open your empires to the gospel, and afford harbor to the Son of God. And Isa. 49, 'And kings shall be thy nursing-fathers, and queens,' that is, commonwealths, 'shall be thy nursing-mothers,' that is, of the Church: they shall afford lodgings to churches and pious studies. And kings and princes themselves shall be members of the Church and shall rightly understand doctrine, shall not help those that establish false doctrine and exercise unjust cruelty, but shall be mindful of this saying, 'I will glorify them that glorify Me.' [1 Sam. 2:30]

"And Daniel exhorts the king of Babylon unto the acknowledgment of God's wrath, and to clemency towards the exiled Church when he says, 'Break off thy sins by righteousness and thine iniquities by showing mercy to the poor.' And since they are among the chief members of the Church, they should see that judgment be rightly exercised in the Church, as Constantine, Theodosius, Arcadius, Marcianus, Charles the Great, and many pious kings took care that the judgments of the Church should be rightly exercised, etc."

Conclusion

Thus those of the presbyterian judgment are willing to give to Caesar those things that are Caesar's, even about matters of religion, that the magistrate may see that it is far from their intention in the least degree to entrench upon his just power by asserting the spiritual power which Christ has seated in his church officers (distinct from the magistratical power). But as for them of the Independent judgment, and their adherents, they divest the magistrate of such power.³²⁶

The End

³²⁵ [It was the custom in Hebrew society for the magistrates and judges to sit in public judgment near the gates of the city, and so the "gates" sometimes poetically refer to the magistrates.]

³²⁶ See M. S. to A. S., pp. 55-60.